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NORTH CAROLINA REGISTER

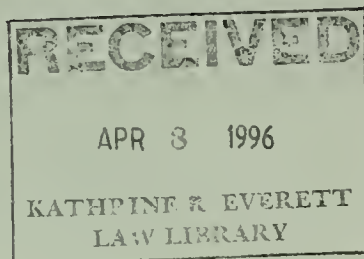
**VOLUME 11 • ISSUE 1 • Pages 1 - 71
April 1, 1996**

IN THIS ISSUE

Final Decision Letter
Environment, Health, and Natural Resources
State Personnel
Transportation
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*



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**NORTH CAROLINA
REGISTER**



**Volume 11, Issue 1
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April 1, 1996

This issue contains documents officially
filed through March 11, 1996.

Office of Administrative Hearings
Rules Division
424 North Blount Street (27601)
PO Drawer 27447
Raleigh, NC 27611-7447
(919) 733-2678
FAX (919) 733-3462

Julian Mann III, Director
James R. Scarcella Sr., Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Teresa Kilpatrick, Editorial Assistant
Jean Shirley, Editorial Assistant

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(December 1995 - September 1996)

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			
						end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
10:17	12/01/95	11/07/95	01/30/96	02/01/96								
10:18	12/15/95	11/22/95	02/13/96	02/15/96								
10:19	01/02/96	12/07/95	03/04/96	03/15/96								
10:20	01/16/96	12/20/95	03/18/96	04/01/96								
10:21	02/01/96	01/10/96	04/01/96	04/15/96	02/16/96	03/04/96	03/20/96	05/13/96	04/01/96	04/22/96	01/30/97	
10:22	02/15/96	01/25/96	04/15/96	05/01/96	03/01/96	03/18/96	03/20/96	05/13/96	04/15/96	04/22/96	01/30/97	
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

(1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

DLP:GS:RA:tlb
DJ 166-012-3
95-3956

U.S. Department of Justice

Civil Rights Division

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

February 16, 1996

Robert W. Oast, Jr., Esq.
City Attorney
P.O. Box 7207
Greenville, North Carolina 27835-7207

Dear Mr. Oast:

This refers to seven annexations (Ordinance Nos. 95-69 to 71, 95-85 to 87, and 95-110) and their designation to districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on December 18, 1995; supplemental information was received on December 19, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

In addition, we are enclosing a copy of our November 15, 1995, preclearance letter regarding your prior submission of annexations because it appears you did not receive it.

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section

PUBLIC NOTICE

North Carolina Department of Environment, Health and Natural Resources
Division of Solid Waste Management
Post Office Box 27687
Raleigh, North Carolina 27611-7687
(919) 733-2178

Notice is hereby given of the Division of Solid Waste Management's intent to enter into an Administrative Order on Consent (Consent Order) pursuant to Article 9, N.C.G.S. Chapter 130A with the Seaboard Group II, its Members and parties who arranged for disposal or treatment of certain minimal amounts of hazardous substances (De Micromis settlors) at the former Seaboard Chemical Corporation facility located at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina in order to allow the De Micromis settlors to resolve their liability for matters addressed in the Consent Order.

The public comment period will extend for thirty (30) days following the publication of this notice. Comments regarding the Consent Order should be sent within this time frame and should be addressed to: William L. Meyer, Director, Division of Solid Waste Management, at the above address.

All documents relating to this Consent Order, including the De Micromis Trust Fund Agreement, are available as part of the administrative record and can be reviewed at the following location during office hours (9:00 a.m. to 4:00 p.m.), Monday through Friday.

Hazardous Waste Section
401 Oberlin Road, Room 150
Raleigh, North Carolina 27605
call: (919) 733-2178, extension 311 for appointment

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES
DIVISION OF SOLID WASTE MANAGEMENT**

**IN RE:
DE MICROMIS SETTLEMENT**

**FORMER SEABOARD CHEMICAL CORPORATION FACILITY
JAMESTOWN, NORTH CAROLINA**

**ADMINISTRATIVE ORDER
ON CONSENT PURSUANT TO ARTICLE 9,
N.C.G.S. CHAPTER 130A**

SEABOARD DE MICROMIS SETTLEMENT

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Signature Page: DEHNR, Div. of Solid Waste Management
Seaboard Group II

Signature Page: De Micromis Settlor

Signature Page: Non-De Micromis Settlor Member, Seaboard Group II

Appendix A -- List of Eligible De Micromis Parties

Appendix B -- De Micromis Trust Fund Agreement

Appendix C -- Transaction Summary

Appendix D -- List of De Micromis Settlers

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES
DIVISION OF SOLID WASTE MANAGEMENT

IN RE:
DE MICROMIS SETTLEMENT

FORMER SEABOARD CHEMICAL CORPORATION FACILITY
Jamestown, North Carolina

ADMINISTRATIVE ORDER
ON CONSENT PURSUANT TO ARTICLE 9,
N.C.G.S. CHAPTER 130A

The following constitutes the agreement of the parties hereto. The members of the Seaboard Group II, De Micromis Settlers and other parties hereunder concur with the Findings of Fact and Determinations contained herein solely for purposes of this Administrative Order on Consent ("Consent Order").

I. DEFINITIONS

The following definitions apply to terms appearing in this Consent Order unless otherwise indicated.

- A. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act ("SARA") of 1986, codified at 42 U.S.C. § 9601, *et seq.*
- B. Chlorinated hydrocarbon" shall mean a hydrocarbon in which one or more of the hydrogen atoms has been replaced by chlorine. For purposes of this Consent Order any substance whose identification on manifests, bills of lading, invoices, shipping/receiving logs or other documents used to develop the waste-in allocation data base for the Facility includes any of the following letters or numerals: "CHLOR;" "PERC;" "1, 1 or 11;" "1, 1, 1 or 111;" "FREON;" "HALO;" or "ORM-E" shall be deemed to be a chlorinated hydrocarbon hazardous substance unless the Executive Committee of the Seaboard Group II determines otherwise with respect to a particular substance based on analytical data or other information submitted to the Executive Committee by the person potentially responsible for the substance.
- C. "City" shall mean the City of High Point, North Carolina, a municipal corporation organized and existing under the laws of the State of North Carolina.
- D. "Department" shall mean the North Carolina Department of Environment, Health and Natural Resources.

- E. "Director" shall mean the Director of the Division of Solid Waste Management of the North Carolina Department of Environment, Health and Natural Resources.
- F. "Division" shall mean the Division of Solid Waste Management of the North Carolina Department of Environment, Health and Natural Resources.
- G. "De Micromis Parties" shall mean those parties who arranged for disposal or treatment of no more than 5000 gallons of hazardous substances at the Seaboard facility, of which not more than 2000 gallons were chlorinated hydrocarbons.
- H. "De Micromis Settlor" shall mean a De Micromis Party that has elected to resolve or satisfy its liabilities for matters addressed, and its directors, officers, employees, successors and assigns.
- I. "Facility" or "former Seaboard Chemical Corporation Facility" shall mean the property formerly owned and operated by Seaboard Chemical Corporation at 5899 Riverdale Drive, Jamestown, Guilford County, North Carolina, EPA Identification No. NCD-071-574-164, which is now under the control of the Trustee in Bankruptcy of the Seaboard Chemical Corporation, and any site or area into or onto which a hazardous substance placed, treated, stored or disposed of at said Seaboard Chemical Corporation property has migrated.
- J. "Hazardous substance" shall be defined as provided for in CERCLA, 42 U.S.C. § 9601(14).
- K. "Landfill" shall mean the City of High Point's former Riverdale Drive Landfill, Jamestown, Guilford County, North Carolina.
- L. "Matters addressed" in this Consent Order shall mean (1) all response actions taken by the State, the United States and by private parties, and all response costs incurred and to be incurred by the State, the United States, and by private parties at or in connection with the Facility; and (2) any claims or demands for injury or damages to person or property solely arising out of or relating to performance of response actions at the Facility.

Notwithstanding the preceding, "matters addressed" shall not include claims for Natural Resource Damages, claims by persons not a party hereto for personal injury, property damage or other economic loss, claims arising from any future arrangement for disposal or treatment of additional hazardous substances at the Facility after the effective date of this Consent Order, or claims arising out of the treatment or disposal of hazardous substances at the Landfill against the person or party who arranged to dispose or treat such substances at the Landfill or who transported such substances to the Landfill.
- M. "Natural Resource Damage" shall be defined as provided in CERCLA, 42 U.S.C. §§ 9607 and 9601(16) or any similar state law or regulation.
- N. "Person" shall have the meaning provided in CERCLA § 101(21), 42 U.S.C. § 9601(21).
- O. "Response Costs" shall have the meaning provided in CERCLA § 101(25), 42 U.S.C. § 9601(25), and shall include but not be limited to costs incurred in performing a Remedial Investigation/Feasibility Study, Remedial Design and Remedial Action.
- P. "Seaboard" shall mean Seaboard Chemical Corporation; Seaboard Chemical Corporation of Guilford, NC; its principals, officers and directors and the trustee in bankruptcy of Seaboard Chemical Corporation.
- Q. "Seaboard Group I" shall mean the unincorporated association of parties that undertook the Seaboard Group I Removal Action at the Facility.
- R. "Seaboard Group I Removal Action" shall mean the surface removal action and the initial remedial site inspection of the Facility that the Seaboard Group I caused to be conducted.
- S. "Seaboard Group II" or "Group" shall mean the unincorporated association of parties formed to conduct certain further response actions at the Facility pursuant to the Seaboard Group II Joint Defense and

Participation Agreement.

- T. "Seaboard De Micromis Trust" and "Trust Fund" shall mean the trust established to receive De Micromis Buyout Payments and which is intended to be treated as a qualified settlement fund in accordance with Treasury Regulations Section 1.468B-1, or any successor provision thereto.
- U. "Secretary" shall mean the Secretary of the North Carolina Department of Environment, Health and Natural Resources.
- V. "State" shall mean the state of North Carolina and all of its agencies and instrumentalities.
- W. "Transaction Summary" shall mean the summary of the quantity currently attributed to the De Micromis Party by the waste-in allocation data base adopted by the Seaboard Group II as of the effective date of this Agreement, which summary is attached hereto as Appendix C and which may only be modified by the Executive Committee of the Seaboard Group II for purposes of this Consent Order pursuant to information submitted under Section I(B) and Section X.

II. JURISDICTION

The Secretary has authority to enter into this Consent Order pursuant to Article 9 of Chapter 130A of the North Carolina General Statutes, N.C.G.S. § 130A-290, et seq. The Secretary has delegated this authority to the Director.

III. PARTIES

This Consent Order is entered by and among:

- A. The Division;
- B. The Seaboard Group II and its Members; and
- C. De Micromis Settlers.

IV. INTRODUCTION AND STATEMENT OF PURPOSE

This Consent Order is entered into for the purpose of providing each De Micromis Settlor the opportunity to resolve or satisfy all claims and liabilities for matters addressed herein.

V. DIVISION'S FINDINGS OF FACT

- A. Seaboard operated the Facility from approximately 1974 to 1989. From approximately 1974 to 1989 Seaboard received, treated, stored and disposed of hazardous substances at the Facility. Among other activities performed, Seaboard reclaimed spent solvents by distillation and blended high-BTU substances for sale as fuel.
- B. Seaboard obtained the hazardous substances it stored, treated or disposed of at the Facility, from a broad range of customers, many of whom are members of the Seaboard Group II.
- C. On or about November 15, 1989, Seaboard Chemical Corporation discontinued operations and filed for bankruptcy. A substantial quantity of hazardous substances remained at the Facility in drums, tanks and other structures.
- D. On or about May 29, 1992, the Department issued an Imminent Hazard Order, pursuant to N.C.G.S. § 130A-303, ordering all responsible parties to abate the hazard at the Facility. At the same time, the Division and the members of Seaboard Group I entered into an Administrative Order on Consent under which the members of Seaboard Group I agreed to undertake, perform and finance the Seaboard Group I Removal Action in accordance with the Work Plan for Surface Removal.

- E. By letter dated February 18, 1993 to the Trustee in Bankruptcy of Seaboard Chemical Corporation, the Division acknowledged completion of the Work Plan for Surface Removal.
- F. The City owns and formerly operated the Landfill which, beginning in 1974 and until October 1993, received solid waste for disposal under DHS Permit No. 41-01. The Landfill is located adjacent to the Facility.
- G. On or about January 4, 1991, the Division issued an Administrative Order to the City requiring it to address groundwater and surface water conditions at and in the vicinity of the Landfill. The City completed specific tasks and thereafter, in October, 1993, discontinued active operations at the Landfill.
- H. In March, 1995, the Division required the City to submit a plan for the next phase of groundwater contamination assessment at the Landfill. The Division encouraged the City to work with the Seaboard Group II to assess the contamination at both the Landfill and the Facility.
- I. Soil sampling at the Facility has revealed the presence of volatile organic compounds and semi-volatile organic compounds, including but not limited to acetone, 1,2-dichlorobenzene, 1,1-dichloroethene, 1,2-dichloroethene (total), methylene chloride, 1,1,1-trichloroethane, phenol, and naphthalene, bis-2 ethyl hexyl phthalate, and 1,2,4 trichlorobenzene.
- J. Groundwater sampling at the Facility has revealed the presence of volatile organic compounds and semi-volatile organic compounds, including but not limited to acetone, benzene, 1,1-dichloroethane, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene (total), methylene chloride, 1,1,1-trichloroethane, phenol, and naphthalene.
- K. Each De Micromis Party arranged for the disposal or treatment of hazardous substances at the Facility in an amount that is minimal in comparison to other hazardous substances at the Facility.
- L. Further response action is required to address soil and groundwater contamination at and from the Facility.
- M. The Members of Seaboard Group II, the City and the Division have entered into an Administrative Order on Consent whereby the Members of Seaboard Group II and the City have agreed to perform a Remedial Investigation of the Facility and the Landfill pursuant to a Work Plan approved by the Division.

VI. DIVISION'S DETERMINATIONS

- A. Hazardous substances have been disposed of or treated at the Facility.
- B. Each De Micromis Party arranged for the disposal or treatment of hazardous substances at the Facility.
- C. There has been a release or threatened release of hazardous substances at the Facility.
- D. The amount of hazardous substances contributed to the Facility by each De Micromis Party is minimal in comparison to other hazardous substances at the Facility.

VII. ORDER

Based upon the administrative record for the Facility and the Statement of Facts and Determinations set forth above, and in consideration of the promises and covenants set forth herein, the following is hereby **AGREED TO AND ORDERED**.

VIII. PAYMENT

- A. Within 30 days of the effective date of this Consent Order, each De Micromis Settlor shall make the applicable De Micromis Buyout Payment(s) in the manner set forth in Subsection B below, or pay One Thousand Dollars (\$1,000.00), whichever is greater.
- B. 1. The De Micromis Buyout payment(s) set forth below shall be made by each De Micromis Settlor

as applicable.

(a) Payments for "Phase I and Phase II Reimbursement Costs" shall be made by check payable to Seaboard Group II.

(b) Payments for "Response Costs" shall be made by a separate check payable to the Seaboard De Micromis Trust.

(c) Where only the minimum \$1,000 payment is due, \$300 of such minimum payment shall be made by check payable to Seaboard Group II and \$700 of such minimum payment shall be made by a separate check payable to the Seaboard De Micromis Trust.

(d) To be eligible for settlement, each De Micromis Settlor must make all applicable Buyout Payments in the manner specified herein.

2. Phase I and Phase II "Reimbursement Costs Payment":

(a) "Phase I Reimbursement Costs" (if De Micromis Settlor did not participate in Seaboard Group I):

- | | | |
|------|---------------------------|--|
| i. | administrative assessment | \$100.00 |
| ii. | buyout payment | \$.39/gal. for each gallon attributed to the Settlor in the Transaction Summary. |
| iii. | late payment | 10% of i + ii above. |

(b) "Phase II Reimbursement Costs" (if De Micromis Settlor is not a member of Seaboard Group II): \$250.00

(c) Phase I and Phase II Reimbursement Costs Payments shall be made by one separate check made payable to the Seaboard Group II, which check shall reference the name and address of the party making payment.

3. De Micromis "Response Costs Payment":

- | | | |
|-----|--|---|
| (a) | chlorinated hydrocarbon hazardous substances | \$ 12.00/gal. for each gallon attributed to Settlor in the Transaction Summary. |
| (b) | other hazardous substances | \$ 5.00/gal. for each gallon attributed to Settlor in the Transaction Summary. |

(c) The De Micromis "Response Costs Payment" shall be made by one separate check made payable to the Seaboard De Micromis Trust, which check shall reference the name and address of the Party making payment.

- C. 1. The De Micromis Buyout payments are intended to cover (a) past response costs incurred at or in connection with the Facility, including any obligations or responsibilities under any previous Consent Order concerning the Facility; (b) future response costs to be incurred at or in connection with the Facility, including but not limited to any obligations or responsibilities under any pending or future Consent Order concerning the Facility; (c) a premium to cover the risks and uncertainties associated with this settlement, including but not limited to, the risk that total response costs incurred or to be incurred at or in connection with the Facility will exceed the estimated total response costs upon which such payments are based and the risk that not all potentially responsible parties at the Facility will pay for their share of

response costs at the Facility; and (d) administrative and transaction costs.

2. Phase I and Phase II "Reimbursement Costs Payments" received by Seaboard Group II shall be used by the Group for Response Costs and for related Group administrative and transaction costs.

3. De Micromis "Response Costs Payments" shall be used by the Trustees of the Seaboard De Micromis Trust to perform and pay for Response Costs incurred at or in connection with the Facility.

IX. THE TRUST FUND

A. Seaboard Group II shall establish a trust fund to be known as the Seaboard De Micromis Trust Fund substantially in the form attached at Exhibit B hereto and incorporated herein by reference.

B. All Response Costs Payments received from De Micromis Settlers pursuant to this Consent Order shall be deposited into the Trust Fund.

C. The Trust Fund shall be held in an interest bearing account. The Trust Fund is intended to be treated as a qualified settlement fund as described in Treasury Regulations Section 1.468B-1. Accordingly, all taxes due and owing on interest earned by the Trust Fund shall be paid by the Trust Fund.

D. The principal of the Trust Fund, together with any interest accrued thereon, shall be distributed for payment of Response Costs, taxes on the Trust Fund, and costs of administering the Trust Fund. To the extent practicable, Funds in the Trust Fund shall be used by Seaboard Group II prior to use of other monies from Seaboard Group II Members.

E. If all the Members of the Seaboard Group II decline, fail or refuse to undertake response action demanded by the State of North Carolina, then any funds remaining in the Trust Fund shall be paid to the State for response costs related to the Facility.

X. CERTIFICATION OF DE MICROMIS SETTLORS

By signing this Consent Order, each De Micromis Settlor certifies, individually, that:

A. Prior to the signing of this Consent Order, it has conducted a reasonable, good faith search for documents, and at the time of signing this Consent Order will provide to the Seaboard Group II Executive Committee all information currently in its possession which relates in any way to the treatment or disposal of a hazardous substance, pollutant, or contaminant at or in connection with the Facility, including without limitation any laboratory analyses or other information which establishes the chemical composition of such hazardous substances, pollutants or contaminants; or it has executed the Certification on the signature page of this Consent Order that no such documents could be found.

B. It will not alter, mutilate, discard, destroy or otherwise dispose of any records, documents, or other information relating to its potential liability regarding the Facility; and

C. To the best of its knowledge and belief, the volume on which the De Micromis Buyout Payment is based, according to the Transaction Summary setting forth its allocation attached hereto as Appendix C, is correct and accurate.

XI. RELEASE AND COVENANT NOT TO SUE

In consideration of the payments that will be made by De Micromis Settlers under the terms of the Consent Order, and except as specifically provided in Section XII (Reservations of Rights), the State and the Seaboard Group II and its Members release and covenant not to sue or take administrative action against any De Micromis Settlor pursuant to Sections 106, 107 or 113 of CERCLA, 42 U.S.C. §§ 9606, 9607, or 9613, Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 or any State statute or common law relating to the Facility. With respect to past, present and future liability, this covenant not to sue shall take effect for each De Micromis Settlor after payment and clearance of all applicable De Micromis Buyout Payment(s) as required pursuant to Section VIII hereof. With respect to each De Micromis Settlor individually, this covenant not to sue is conditioned upon: (a) the satisfactory performance by the De Micromis Settlor of

all applicable obligations under this Consent Order; (b) the truthfulness of the certifications in Section X; and (c) not having arranged for disposal or treatment of more than 5,000 gallons of hazardous substances at the Facility, nor more than 2,000 gallons of chlorinated hydrocarbons. This covenant not to sue extends only to the De Micromis Settlor and does not extend to any other person.

XII. RESERVATIONS OF RIGHTS

- A. The covenant not to sue set forth above does not pertain to any matters other than those expressly specified. This Consent Order is without prejudice to all rights with respect to all other matters including, but not limited to:
1. liability for failure to meet a requirement of this Consent Order;
 2. criminal liability;
 3. liability for damages or injury to, destruction of, or loss of natural resources, and for the costs of any Natural Resource Damage assessments;
 4. liability for claims by persons not a party hereto for personal injury, property damage or other economic loss;
 5. liability arising from any future arrangement for disposal or treatment of additional hazardous substances, pollutants or contaminants at the Facility after the effective date of this Consent Order; or
 6. liability arising from any hazardous substances that the De Micromis Settlor arranged to dispose or treat at the Landfill or that the De Micromis Settlor transported to the Landfill.
- B. This Consent Order is without prejudice to the power and right of the State or the Seaboard Group II or its Members to institute judicial or administrative proceedings against any De Micromis Settlor respecting the Facility if information is discovered which indicates that such party does not qualify as a De Micromis Party. However, if information discovered subsequent to the certifications by the De Micromis Settlor pursuant to Section X of this Consent Order merely changes the volume of gallons attributed to a De Micromis Settlor in the Transaction Summary but does not make said party ineligible to qualify as a De Micromis Party, then no adjustment shall be made to that De Micromis Party's Buy-out Payment(s) unless a certification made by said Party under Section X was knowingly false.

XIII. COVENANT NOT TO SUE BY DE MICROMIS SETTLORS

- A. De Micromis Settlers participating in this Consent Order covenant not to sue and agree not to assert any claims or causes of action against the State, the Members of the Seaboard Group II or their contractors or employees with respect to the Facility or this Consent Order, except as a counterclaim or crossclaim asserted in response to a claim brought pursuant to Section XII.B., above.
- B. De Micromis Settlers covenant not to sue and agree not to assert any claims or causes of action against each other with regard to the Facility.

XIV. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

- A. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Consent Order. The State, Seaboard Group II and its Members and De Micromis Settlers each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Facility against any person not a party hereto.
- B. The Parties agree that each De Micromis Settlor is entitled, upon payment and clearance of the De Micromis Buyout Payment(s), to protection from contribution actions or claims to the full extent provided

by law under Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5) or other statutes, for matters addressed as defined in Section I-L of this Consent Order.

- C. All other Administrative Orders on Consent pertaining to the Facility heretofore entered by a De Micromis Settlor shall be deemed to be satisfied by performance of this Consent Order and shall be of no further force and effect as to such De Micromis Settlor.

XV. PARTIES BOUND

This Consent Order shall apply to and be binding upon the State, Seaboard Group II and each of its Members, De Micromis Settlers, and their respective successors and assigns. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the party represented by him or her.

XVI. INTEGRATION/APPENDICES

This Consent Order and its Appendices constitute the final, complete and exclusive agreement and understanding among all parties with respect to the settlement embodied in this Consent Order. This Consent Order supersedes any prior or pending Consent Order concerning the Facility to which any De Micromis Settlor may be a party. The parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Order. The following Appendices are attached to and incorporated into this Consent Order:

- A. "Appendix A" is the list of Eligible De Micromis Parties.
- B. "Appendix B" is the De Micromis Trust Fund Agreement.
- C. "Appendix C" is the Transaction Summary.
- D. "Appendix D" is the list of De Micromis Settlers.

XVII. DENIAL OF LIABILITY

In entering into this Consent Order, the De Micromis Settlers and the Members of Seaboard Group II do not admit any fact, fault, or liability whatsoever at the Facility, and they retain the right to controvert in any subsequent proceedings, other than proceedings for the purpose of implementing or enforcing this Consent Order, the validity of the Findings of Fact or Determinations contained in this Consent Order. Further, the participation by any party in this Consent Order shall not be considered an admission of liability for any purpose.

XVIII. PUBLIC NOTICE AND EFFECTIVE DATE

The Division shall cause notice of this Consent Order to be published in the North Carolina Register and shall thereby solicit public comment. This Consent Order shall become effective 30 days after such publication, unless the Parties agree that this Consent Order shall be modified in view of public comments..

IT IS SO AGREED AND ORDERED.

The North Carolina Department of Environment, Health and Natural Resources, Division of Solid Waste Management enters into this Consent Order in the matter of the former Seaboard Chemical Corporation Facility.

By: _____

Date of Signature: _____ / _____ / _____

Name (Print): _____

Title: _____

IN ADDITION

The Seaboard Group II enters into this Consent Order in the matter of the former Seaboard Chemical Corporation Facility.

Seaboard Group II

By: _____
Signature
Title: Chairman, Seaboard Group II Executive Committee
As Authorized by Vote of the Members of the Seaboard Group II
Date of Signature: ____/____/____
Name (Print): _____

THE UNDERSIGNED De Micromis Settlor enters into this Consent Order in the matter of the former Seaboard Chemical Corporation Facility. By executing this Consent Order, the undersigned De Micromis Settlor certifies that all documents identified pursuant to Section X(A) hereof are enclosed, or that after a reasonable, good faith search, no such documents could be found.

Potentially Responsible Party (PRP) Name: _____

By: _____
Signature

Date of Signature: ____/____/____

Name (Print): _____

Title: _____

Company/Firm Name: _____
(if different from PRP name)

Address: _____

Phone: _____ Fax No. _____

Member, Seaboard Group II:

Member, Seaboard Group I:

Taxpayer Identification Number: _____

IRS District Office Address: _____

Documents Enclosed: YES _____ NO _____

THE UNDERSIGNED non-De Micromis Settlor Member of the Seaboard Group II enters into this Consent Order in the matter of the former Seaboard Chemical Corporation Facility.

Potentially Responsible Party (PRP) Name _____

By: _____
Signature

Date of Signature: ____/____/____

Name (Print): _____

Title: _____

Company/Firm Name: _____
(if different from PRP name)

Address: _____

Phone: _____ Fax No. _____

TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES

CHAPTER 10 - WILDLIFE RESOURCES AND
WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER
SAFETY

SECTION .0300 - LOCAL WATER SAFETY
REGULATIONS

SUBCHAPTER 10G - DISTRIBUTION AND SALE
OF HUNTING: FISHING: AND TRAPPING
LICENSE

Notice of Rule-making Proceedings is hereby given by the NC Wildlife Resources Commission in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Rule Citation: 15A NCAC 10F .0300 and 15A NCAC 10G

Statutory Authority for the rule-making: G.S. 75A-3; 75A-15; 113-34; 113-270.1

Statement of the Subject Matter:

15A NCAC 10F .0300 - Establishment of criteria for creation of exclusion zones in designated public waters adjacent to power plants.

15A NCAC 10G - Revise/amend requirements for all wildlife service agents.

Reason for Proposed Action:

15A NCAC 10F .0300 - To avoid accidents and insure public safety.

15A NCAC 10G - To establish uniform requirements for Wildlife Service Agents and to set out operating parameters for electronic customer support systems.

Comment Procedures: The record will be open for receipt of written comments from April 1, 1996 - June 3, 1996. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 North Salisbury Street, Raleigh, NC 27604-1188.

SECTION .0500 - SAFETY RULES AND
REGULATIONS

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Transportation - Division of Motor Vehicles in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Rule Citation: 19A NCAC 3E .0501 - .0502, .0510 - .0515, .0518 - .0519, .0522

Statutory Authority for the rule-making: G.S. 20-86; 20-378

Statement of the Subject Matter: Rules set out procedures to certify, license, register, permit, and insure for-hire interstate vehicles which operate in North Carolina.

Reason for Proposed Action: Rules are proposed for amendment to reflect technical changes necessitated by recodification. Other amendments clarify for-hire vehicle requirements which are currently enforced.

Comment Procedures: Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, Department of Transportation, PO Box 25201, Raleigh, NC 27611, telephone (919) 733-2520.

TITLE 19A - DEPARTMENT OF
TRANSPORTATION

CHAPTER 3 - DIVISION OF MOTOR VEHICLES

SUBCHAPTER 3E - INTERNATIONAL
REGISTRATION PLAN (IRP) SECTION

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

Notice is hereby given in accordance with G.S. 150B-21.2(c) that the North Carolina Wildlife Resources Commission intends to adopt rule cited as 15A NCAC 10F .0109 and amend rules 10F .0102 - .0107, .0305, .0310, .0342 and .0348.

Proposed Effective Date: March 2, 1997

A Public Hearing will be conducted at the 10:00 a.m. on April 17, 1996 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC 27604.

Reason for Proposed Action:

15A NCAC 10F .0102 - .0107 and .0109 - To eliminate statutory redundancy and to conform the rules to the current practices regarding titling and registering boats.

15A NCAC 10F .0305, .0310, .0342, .0348 - To regulate boat speeds in congested areas.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearings. In addition, the record of hearing will be open for receipt of written comments from April 1, 1996 - May 1, 1996. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 North Salisbury Street, Raleigh, North Carolina 27604-1188.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds.

**CHAPTER 10 - WILDLIFE RESOURCES AND
WATER SAFETY**

**SUBCHAPTER 10F - VESSELS AND WATER
SAFETY**

SECTION .0100 - VESSEL REGISTRATION

**.0102 APPLICATION FOR CERTIFICATE OF
VESSEL NUMBER**

(a) General:

- (1) Except as provided in Subparagraph (2) of this Paragraph, the owner of any motorboat principally used in the State of North Carolina shall, prior to its use, apply for a certificate of number on an official application form provided by the Wildlife Resources Commission.
- (2) Motorboats owned by the United States, a state, or a subdivision thereof are exempt from required numbering, but may be numbered under the provisions of Rule .0104(a)(5) of this Section. Motorboats owned and oper-

ated by non-profit rescue squads are required to be numbered, but if they are operated exclusively for rescue purposes, including rescue training, they may be numbered without charge as by a governmental entity as provided by Rule .0104(a)(5) of this Section.

(3) Pending receipt of a regular certificate of number, a motorboat may be operated for not more than 60 days under a temporary certificate of number. (See Rule .0103 of this Section)

(4) Application forms may be obtained by applying to the Wildlife Resources Commission at the address shown in Subparagraph (a)(5) of this Rule, to any boat dealer or boat manufacturer who is qualified as an agent for the purpose of issuing temporary certificates of number [See Rule .0103(d) of this Section], or to any North Carolina certified hunting and fishing license agent.

(5) The completed application shall be forwarded to: Motorboat Registration Section, Wildlife Resources Commission, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27611.

(b) Individual Owners. The application shall contain the following information:

- (1) name of owner;
 - (2) address of owner, including zip code;
 - (3) date of birth of owner;
 - (4) citizenship of owner;
 - (5) state of principal use of vessel;
 - (6) present or previous boat number (if any);
 - (7) desired period of registration (one or three years);
 - (8) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other);
 - (9) make of vessel (if known);
 - (10) year of manufacture or model year (if known);
 - (11) manufacturer's hull identification number (if any);
 - (12) overall length of vessel;
 - (13) type of vessel (open, cabin, house, other);
 - (14) hull material (wood, steel, aluminum, fiberglass, plastic, other);
 - (15) type of propulsion (inboard, outboard, inboard outdrive, sail, and engine make if available);
 - (16) type of fuel (gasoline, diesel, other);
 - (17) certification of ownership;
 - (18) signature of owner.
- (c) Livery Motorboat Owners. The registration and

numbering requirements of this Section shall apply to livery motorboats, except that in any case where the motor is not rented with the vessel, the description of the motor and type of fuel may be omitted from the application.

(d) ~~Dealers and Manufacturers~~

- (1) ~~The registration and numbering requirements of this Section shall apply to dealers in and manufacturers of motorboats.~~
- (2) ~~Application for a certificate of number shall be made on the approved application form prescribed in this Regulation. Dealers and manufacturers shall certify that they are dealers or manufacturers, whichever the case may be.~~
- (3) ~~The application, accompanied by a fee of five dollars and fifty cents (\$5.50), or thirteen dollars (\$13.00) in check or money order as appropriate in accordance with the provisions of Subparagraph (2) of Paragraph (a) of this Rule, shall be forwarded to the address stated in this Rule. [see Subparagraph .0102(a)(5) of this Rule].~~
- (4) ~~Upon receipt by the Wildlife Resources Commission of a properly completed application and fee, it shall issue to the applicant a dealer's or manufacturer's certificate of number as appropriate, which may be used in connection with the operation of any motorboat in the possession of such dealer or manufacturer, when the boat is being used for demonstrative purposes. Additional dealers' or manufacturers' certificates of number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of an additional fee of five dollars and fifty cents (\$5.50), or thirteen dollars (\$13.00) in check or money order as appropriate in accordance with the provisions of Subparagraph (2) of Paragraph (a) of this Rule, for each additional certificate.~~
- (5) ~~Dealers and manufacturers have the option of registering individual motorboats on a permanent basis under the provisions of Paragraph (b) of this Rule.~~
- (6) ~~A "manufacturer" as the term is used in these regulations is defined as a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of selling them after manufacture. A "dealer" as the term is used in these regulations is defined as a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale~~

~~from an established location or locations.~~

(a) General: Every owner of a vessel required to be numbered pursuant to G.S. 75A-4 and 75A-7 shall apply to the Vessel Registration and Title Section of the North Carolina Wildlife Resources Commission or to one of its authorized agents for a certificate of vessel number using an approved application form.

(b) Individual Owners of Vessels. The application shall contain the following information:

- (1) name of owner (s);
- (2) address of owner, including zip code;
- (3) state of principal use of vessel;
- (4) present or previous vessel registration number (if any);
- (5) desired period of registration (one or three years);
- (6) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other);
- (7) make of vessel (if known);
- (8) year of manufacture or model year (if known);
- (9) manufacturer's hull identification number (if any);
- (10) overall length of vessel;
- (11) type of vessel (open, cabin, houseboat, other);
- (12) hull material (wood, metal fiberglass, inflatable, other);
- (13) type of propulsion (inboard; outboard; inboard-outdrive; jet drive; sail);
- (14) type of fuel (gasoline, diesel, electricity other);
- (15) proof of ownership document;
- (16) signature of owner(s).

(c) Livery Vessel Owners. A "livery" vessel is one that is rented or leased to an individual for a specific time period by the owner. The registration and numbering requirements of G.S. 75A-4 and 75A-7 shall apply to livery vessels. In any case where the motor is not rented with the vessel, the description of the motor and type of fuel may be omitted from the application. The standard application form for vessel registration shall be used for livery vessels with the term "livery" marked in the section designated for "use of vessel."

(d) Dealers and Manufacturers of Vessels. A "manufacturer" as the term is used in these Rules is defined as a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of selling them after manufacture. A "dealer" as the term is used in these Rules is defined as a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location(s). The registration and numbering requirements of G.S. 75A-4 and 75A-7 shall apply to vessels belonging to dealers and manufacturers. The standard application for a certificate of vessel number shall be used for dealer and manufacturer certificates with the term "demonstration" marked in the section designated for "use of vessel." Upon

receipt of a properly completed application and fee for dealer or manufacturer vessel registration, the Wildlife Resources Commission shall issue to the applicant a dealer's or manufacturer's certificate of vessel number, as appropriate, which may be used in connection with the operation of any vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Additional dealer's or manufacturer's certificates of vessel number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of an additional fee for each additional certificate. Dealers and manufacturers have the option of registering individual vessels in accordance with Rule .0104(a) of this Section.

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.17.

.0103 TRANSFER OF OWNERSHIP

~~(a) Transfer Direct from One Individual Owner to Another Individual Owner~~

- ~~(1) If the ownership of a registered motorboat is changed during the registration period, the owner shall complete the statement of transfer on the reverse side of the certificate of number, date as of the day of the transaction, sign, and deliver to the new owner.~~
- ~~(2) The new owner shall apply for a new certificate of number on an official application form. The original number must be retained when a vessel numbered is again registered as a motorboat.~~
- ~~(3) For 60 days following the transfer of ownership of a registered motorboat during the registration period, the new owner may use the certificate of number of the prior owner as a temporary certificate of number pending receipt of his own certificate; provided, the certificate is endorsed in accordance with Subparagraph (a)(1) of this Rule. In the event the transfer occurs during the 60 days prior to expiration of the registration period, the original certificate will still be honored up to the full period of 60 days as a temporary certificate even though it would otherwise have expired. Where transfer of ownership from one individual to another occurs after the expiration of the registration period, the certificate of number may not be used by the new owner.~~

~~(b) Transfer of a Previously Registered Motorboat Through a Dealer~~

- ~~(1) The owner transferring his motorboat to a dealer during the registration period shall give the certificate of number to the dealer after dating and signing the statement of transfer on the reverse side of the certificate on the day of the transaction.~~
- ~~(2) When the motorboat is sold by the dealer, he~~

~~shall date and sign the certificate of number on the reverse side on the day of the transaction and deliver it to the new owner.~~

- ~~(3) For a period of 60 days following the transfer of ownership of a registered motorboat from or through a dealer to a new owner, the new owner may use the certificate of the prior individual owner as a temporary certificate of number pending receipt of his own certificate; provided:~~
 - ~~(A) The certificate is endorsed in accordance with Subparagraphs (1) and (2) of this Paragraph.~~
 - ~~(B) The original owner endorsed the certificate to the boat dealer while it was still in force, and~~
 - ~~(C) The boat dealer's sale and endorsement occurs while the registration certificate is still in force.~~
- ~~(4) Except as permitted above, a certificate of number may not be used after the expiration of the registration period.~~
- ~~(e) Transfer of an Individually Registered Motorboat by a Dealer or Manufacturer. Motorboats individually numbered by dealers or manufacturers shall upon transfer of ownership be governed by the provisions of Paragraph (a) of this Rule.~~
- ~~(d) Temporary Certificate of Number~~
 - ~~(1) Upon acquisition of a motorboat not previously numbered or a motorboat the registration of which has expired, the new owner may transmit with his application for the regular certificate of number a request for a temporary certificate of number. The request must state the date the vessel was acquired by the applicant. For a period not exceeding 60 days following the date of acquisition, the motorboat may be operated on the temporary certificate of number pending receipt of the regular certificate from the Wildlife Resources Commission.~~
 - ~~(2) In order to make temporary certificates of number available locally within the State, boat dealers and manufacturers who conduct business from established locations in North Carolina may be designated agents of the Wildlife Resources Commission for the purpose of issuing temporary certificates of motorboat number. To qualify as an agent for this purpose, such dealer or manufacturer must enter into a written agreement with the Wildlife Resources Commission by which he assumes responsibility for conducting the boat registration agency as a public service and in strict compliance with these regulations. Upon approval and ratification of such agreement by the Executive Director or his designee, the agent will be furnished with a supply of the temporary certificate forms together with forms for use in applying for the regular certificate of motorboat number. The~~

~~forms for temporary certificate of number are serially numbered and are prepared in triplicate so as to provide an original (Part 1) and two copies (Parts 2 and 3).~~

- (3) ~~A boat registration agency issuing temporary certificates of motorboat number shall be conducted in accordance with the following requirements and restrictions:~~

- (A) ~~The temporary certificates of number shall be issued without charge.~~
- (B) ~~There shall be no substitute for the printed form of certificate supplied by the Wildlife Resources Commission. No agent shall issue any other writing purporting to authorize the use of an unregistered motorboat.~~
- (C) ~~The certificates shall be issued consecutively in the order in which they are serially numbered, beginning with the lowest number.~~
- (D) ~~When the vessel has been acquired from a source other than the agent, a temporary certificate of number shall not be issued unless and until the owner produces a bill of sale or other memorandum of transfer which identifies the vessel and which has been dated, signed and acknowledged by the transferor before a notary public or other officer authorized to take acknowledgments.~~
- (E) ~~All information called for on the temporary certificate of number shall be properly entered in the spaces provided, including the date of expiration of the certificate which shall be the 60th day following the date of acquisition of the vessel by the owner.~~
- (F) ~~The temporary certificate must be signed by the owner. The agent shall deliver to the owner Part 1 of the certificate and a form with which to apply for the regular certificate of number.~~
- (G) ~~Within 30 days following the issuance of a temporary certificate of number, the agent shall transmit Part 2 thereof to the Wildlife Resources Commission at the address indicated in Rule .0102(a)(5) of this Section. If a bill of sale or other memorandum of transfer has been required, the original or a copy thereof shall be attached to the Commission's copy of the temporary certificate of number.~~
- (H) ~~The agent shall retain Part 3 of the temporary certificate of number for a period of at least one year and shall permit inspection thereof during business hours by any law enforcement officer or authorized personnel of the Commission.~~
- (I) ~~No agent shall knowingly issue more than one temporary certificate of number for the same vessel during any calendar year.~~

- (J) ~~An agent may make application for a certificate of number or for a registration on behalf of a new owner to whom a temporary certificate of number has been issued provided the application and fee is submitted to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.~~

- (K) ~~Upon termination of a boat registration agency which issues temporary certificates of motorboat number, all copies (Parts 3) of such certificates theretofore issued and all unused forms for temporary certificates of number then remaining in possession of the terminated agency shall be delivered to the Wildlife Resources Commission or to a Commission employee.~~

- (4) ~~A boat registration agency which issues temporary certificates of motorboat number, being a mutual and voluntary undertaking, may be terminated at any time, with or without cause, by either party thereto by giving a notice of such termination to the other party.~~

- (5) ~~If the agent who issues a temporary certificate of number does not submit the application for certificate of number of registration on behalf of the new owner, the new owner must submit the application and fee to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.~~

- (6) ~~In order to be valid, the temporary certificate of boat number must contain the following:~~

- (A) ~~full name and address of issuing agent;~~
- (B) ~~full name and address of purchaser, including zip code;~~
- (C) ~~previous registration number, if any (if none, so state);~~
- (D) ~~state of principal use of vessel;~~
- (E) ~~make of vessel;~~
- (F) ~~length in feet;~~
- (G) ~~hull material;~~
- (H) ~~kind of propulsion;~~
- (I) ~~date of purchase of boat;~~
- (J) ~~date of application for regular certificate of number;~~
- (K) ~~expiration date of temporary certificate;~~
- (L) ~~signature of purchaser.~~

- (7) ~~Temporary certificates of number can be issued by boat registration agents when certificates of number requiring corrections other than address or name changes are presented for renewal or when the agent finds that an error has been made in validating the certificate of number.~~

- (e) ~~Demonstration and Use of Vessels Held by Dealers~~

- (1) ~~Demonstration of registered motorboats held by dealers for sale may be with the use of the certificate of number endorsed by the original~~

~~owner so long as the registration is in force. Any dealer or any permittee of a dealer demonstrating a motorboat must utilize a set of dealer's numbers and the corresponding dealer's certificate of number on such vessel after the original certificate of number has expired. The dealer's numbers and certificate of number may, however, be used during demonstrations before the end of the registration period at the option of the dealer. In any event, where a set of dealer's numbers is used upon a previously numbered vessel, the original numbers must be covered in accordance with Rule .0106(e) of this Section.~~

~~(2) Dealers who have bought or otherwise possess motorboats for resale and who wish to operate or lend out such motorboats for more general uses than for demonstration only must have the individual motorboat registrations transferred to their names.~~

(a) Transfer of titled vessels.

- (1) When the ownership of a titled vessel is transferred, the current owner(s) as recorded on the face of the Certificate of Title for Watercraft shall complete the Assignment of Title section on the reverse side of the certificate of title according to the given instructions and transmit the properly assigned title to the new owner(s). If the certificate of title contains any encumbrances, security interests, or liens on its face, the Release of First Lien section on the reverse side of the certificate of title must be completed by the lienholder(s) according to given instructions before the title is transmitted to the new owner(s). If more than one lien is outstanding on the title, all liens must be satisfied as evidenced by attaching additional Release of Lien statements completed in the same fashion as the Release of First Lien section before the certificate of title is transmitted to the new owner(s).
- (2) The new owner(s) must complete and submit an Application for Title and Registration (Form WT-1) along with the properly assigned certificate of title and applicable registration and title fees to the Vessel Registration and Title Section of the Wildlife Resources Commission for processing. The new owner(s) shall indicate on the application whether or not the vessel will be titled under the new ownership; and, if so, whether or not any liens exist on the vessel. If the new owner(s) elects to transfer the title, then a new Certificate of Title for Watercraft will be issued, including recordation of any new liens that are listed on the application.

(b) Transfer of non-titled vessels.

- (1) Direct transfer from one individual owner to another.

- (A) If the ownership of a once-registered vessel is transferred, the previous owner shall complete the statement of transfer provided with the certificate of vessel number, date it as of the day of the transaction, sign it, and deliver it to the new owner.
 - (B) The new owner shall complete the transfer of vessel ownership by preparing and submitting an official application form for this purpose within 10 days from the date of transfer. The original vessel registration number must be retained when a vessel most recently registered in North Carolina is registered to a new owner. A new vessel registration number will be issued to vessels most recently registered in another State or never before registered.
 - (C) For 60 days following the transfer of ownership of a once-registered vessel, the new owner may use the certificate of vessel number of the prior owner as a temporary certificate of number pending receipt of his own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
 - (D) An individual may also transfer ownership of a vessel by preparing a Bill of Sale naming the new owner, provided both parties to the sale sign the Bill of Sale before a notary public. If a Bill of Sale is the instrument of transfer, the new owner may use a copy of it as a temporary certificate of vessel number for a period of 60 days. The notarized Bill of Sale must accompany the application for transfer of ownership and the application must be mailed within 10 days of the date of sale.
- (2) Transfer of a once-registered vessel through a dealer.
- (A) An owner selling or transferring a once-registered vessel to a dealer shall, on the day of the transaction, give the certificate of vessel number to the dealer after dating and signing the statement of transfer provided with the certificate.
 - (B) When the vessel is subsequently sold, the dealer shall, on the day of the transaction, date and sign the statement of transfer which was received from the previous owner and give it to the new owner. If no certificate of vessel registration is available, a Bill of Sale may be used to document transfer of ownership to the purchaser, provided both parties to the sale sign the Bill of Sale before a notary public.
 - (C) For a period of 60 days following the transfer of ownership of a once-registered vessel, the new owner may use the certificate of vessel number of the prior owner as a temporary certificate of vessel number, provided the

certificate is validated in accordance with Part (b)(1)(A) of this Rule; or a copy of the notarized Bill of Sale may be used as a temporary certificate.

- (3) Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been individually numbered by dealers or manufacturers shall upon transfer of ownership be governed by the provisions of Subparagraph (b)(1) of this Rule.

Authority G.S. 75A-3; 75A-5; 75A-19; 33 C.F.R. 174.21.

.0104 CERTIFICATE OF NUMBER

(a) General. Upon receipt of a properly completed application, together with appropriate fee, the Wildlife Resources Commission shall issue to the applicant a certificate of vessel number which shall ~~include the following information:~~ authorize the operation of the vessel. The certificate of vessel number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer upon request. The certificate of vessel number shall include the following information:

- (1) name of ~~owner;~~ owner(s);
- (2) address of owner, including zip code;
- (3) state of principal use of vessel;
- (4) number awarded to vessel;
- (5) expiration date of certificate;
- (6) use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other);
- (7) make of vessel (if known);
- (8) year of manufacture or model year (if known);
- (9) manufacturer's hull identification number (if any);
- (10) overall length of vessel;
- (11) type of vessel (open, cabin, house, other);
- (12) hull material (wood, steel, aluminum, fiberglass, plastic, other);
- (13) type of propulsion (inboard, outboard, inboard-outdrive, sail);
- (14) type of fuel (gasoline, diesel, other);
- (15) notice to owner that he shall report within 15 days changes of address or ownership, and destruction or abandonment of vessel;
- (16) notice to the owner that the operator shall:
 - (A) always carry this certificate on vessel when in use;
 - (B) report every accident involving injury or death to persons, or property damage over one hundred dollars (\$100.00);
 - (C) stop and render assistance if involved in boating accident.

(b) Livery ~~Motorboat~~ Vessel Owners. The certificate of number awarded to a livery ~~motorboat~~ vessel shall be plainly marked "livery ~~motorboat~~" "vessel" and in any case

where the motor is not rented with the vessel, the description of the motor and type of fuel shall be omitted from the certificate.

(c) Dealers and Manufacturers. The certificate of vessel number awarded to dealers and manufacturers shall be plainly marked "dealer" or "manufacturer" in lieu of the description of the boat, motor and type of fuel. Any dealer or any permittee of a dealer demonstrating or testing a vessel may utilize a set of dealer's numbers and the corresponding dealer's certificate of vessel number to operate any vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers for personal use or for any use whatsoever other than for demonstration and testing purposes must be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

(d) Vessel Registration Agents. In order to make certificates of vessel number readily available throughout the State, qualified vessel dealers, manufacturers, and other related businesses which operate from established locations within North Carolina may be appointed as agents of the Wildlife Resources Commission and authorized to issue and renew certificates of vessel number and handle related transactions. To be appointed as a Vessel Registration Agent, a business must enter into a written agreement with the Wildlife Resources Commission through which the agent agrees to conduct the Vessel Registration Agency as a public service and to comply with governing statutes, rules, and guidelines. Upon ratification of the agreement by the Executive Director, the agent is authorized to purchase blocks of at least five certificates of number for three-year vessel registrations only, to be issued to owners of new vessels and to owners of vessels not previously registered in North Carolina.

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.19.

.0105 NUMBERING PATTERN

(a) The ~~motorboat~~ vessel number assigned shall consist of the symbol "NC" identifying the state, followed by not more than four Arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically. As examples: NC-1-A or NC-1234-AA.

(b) Since the letters "I," "O," and "Q" may be mistaken for Arabic numerals, they shall not be used in the letter sequences. Letters, or letters and numbers, forming objectionable words or combinations will not be used.

(c) The single letter "P" shall be reserved for use following the numerals of ~~motorboats~~ vessels numbered by governmental entities as provided by Rule .0104(a)(5) of this Section.

Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.23.

.0106 DISPLAY OF VESSEL NUMBERS

(a) The numbers shall be painted on or attached to each side of the forward half of the vessel for which issued in such a position as to provide clear legibility for identification. The numbers shall read from left to right and shall be in block characters of good proportion not less than three inches in height. The numbers shall be of a solid color which will contrast with the color of the background and so maintained as to be clearly visible and legible; i.e., dark numbers on a light background, or light numbers on a dark background.

(b) No other number, except the year date of the validation decal described in Rule .0107 of this Section, shall be carried on the bow of such vessel.

(c) Manufacturers or dealers may have the number awarded to them printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the ~~boat~~ vessel being demonstrated, so long as the display meets the requirements of these regulations. Where a currently or previously-numbered ~~motorboat~~ vessel is being demonstrated with a set of dealer's numbers, the permanent numbers painted on or attached to the bow must be covered.

(d) A vessel registered to a governmental entity and bearing the letter "P" shall continue to display the assigned numbers for so long as the vessel belongs to a governmental entity. Upon transfer of ownership to a private individual, the new owner shall apply to the Wildlife Resources Commission for a new certificate of vessel number and shall be assigned a new vessel registration number.

Authority G.S. 75A-3; 75A-5; 75A-19.

.0107 VALIDATION DECAL

In addition to the certificate of vessel number, the Wildlife Resources Commission will supply to the owner of each ~~motorboat~~ vessel that is ~~permanently numbered~~ numbered, an official validation decal indicating the last year and month of the period of registration. The owner shall affix such validation decal so as to be clearly legible on the starboard bow of the vessel immediately following and within six inches of the ~~motorboat~~ vessel number. Any validation decal issued for a ~~motorboat~~ vessel numbered on application by a governmental entity ~~as provided by Rule .0104(a)(5) of this Section~~ shall ~~bear~~ contain no expiration date, but shall bear the letter "P" and shall not be subject to renewal so long as the vessel remains the property of a governmental entity. When any such ~~motorboat~~ vessel is transferred to private ownership, the decal shall be removed or obliterated by the transferring agency.

Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.15.

.0109 TEMPORARY CERTIFICATE OF VESSEL NUMBER

(a) Upon acquisition of a vessel not previously numbered

or a vessel for which no certificate of vessel number is available, the new owner may transmit with his application for the regular certificate of vessel number a request for a temporary certificate of vessel number. The request must state the date the vessel was acquired by the applicant. For a period not exceeding 60 days following the date of acquisition, the vessel may be operated on the temporary certificate of vessel number pending receipt of the regular certificate.

(b) In order to make temporary certificates of vessel number readily available locally throughout the State, Vessel Registration Agents appointed pursuant to Rule .0104(d) of this Section are authorized to issue temporary certificates of vessel number. Vessel Registration Agents will be furnished a supply of temporary certificates of vessel number and application forms for use in applying for regular certificates of vessel number. Temporary certificates of vessel number are prepared in duplicate so as to provide an original (Part 1) and a copy (Part 2). The original shall be given to the qualified vessel owner for his use in operating the vessel and the copy shall be retained by the Vessel Registration Agent.

(c) Vessel Registration Agents shall follow the requirements and restrictions set forth herein:

- (1) Vessel Registration Agents may charge a reasonable fee to vessel owners for issuance of temporary certificates of vessel number commensurate with the direct cost and time involved in issuing the certificate, provided that notice of the charge for issuing a temporary certificate is prominently posted on the premises and the customer is advised of the fee before the transaction is made.
- (2) No substitute for the printed form of the temporary certificate of vessel number supplied by the Wildlife Resources Commission shall be used by an agent and no agent shall issue any writing purporting to authorize the use of an unregistered vessel.
- (3) When the vessel has been acquired from a source other than the agent, a temporary certificate of vessel number shall not be issued unless and until the owner produces a notarized bill of sale, a certificate of vessel number validated by the previous owner, or other memorandum of transfer which identifies the vessel and which has been dated, signed and acknowledged by the transferor before a notary public or other officer authorized to take acknowledgments.
- (4) All required information on the temporary certificate of vessel number shall be properly entered in the spaces provided, including the date of expiration of the certificate, which shall be the 60th day following the date of acquisition of the vessel by the owner.
- (5) After the owner signs the temporary certificate,

the agent shall deliver to the owner Part 1 of the certificate and an application form with which the owner may apply for a regular certificate of vessel number.

- (6) The agent shall keep Part 2 of the temporary certificate as a part of the official records of the agency for a period of at least 90 days. If a bill of sale or other memorandum of transfer has been required to verify ownership, a copy thereof shall be attached to the agent's copy of the temporary certificate of vessel number.
- (7) No agent shall knowingly issue more than one temporary certificate of vessel number to the same person for the same vessel during any twelve month period.
- (8) An agent may make application for a certificate of vessel number or for a transfer of registration on behalf of a new owner to whom a temporary certificate has been issued, provided the application and fee are submitted to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.
- (9) Upon termination of a vessel registration agency, all copies (Part 2) of temporary certificates of vessel number previously issued and all unused forms for temporary certificates of vessel number then remaining in possession of the terminated agency shall be delivered to the Wildlife Resources Commission.

(d) A vessel registration agency which issues temporary certificates of vessel number, being a mutual and voluntary undertaking, may be terminated at any time, with or without cause, by either party thereto by giving written notice of termination to the other party.

(e) If the agent who issues a temporary certificate of vessel number does not submit the application for a regular certificate of vessel number on behalf of the new owner, the new owner must submit the application and fee to the Wildlife Resources Commission within 10 days of the date of issuance of the temporary certificate.

(f) In order to be valid, the temporary certificate of vessel number must contain the following:

- (1) full name and address of issuing agent;
- (2) full name and address of owner(s), including zip code;
- (3) previous vessel registration number, if any (if none, so state);
- (4) state of principal use of vessel;
- (5) make of vessel;
- (6) vessel length in feet;
- (7) hull material;
- (8) type of propulsion;
- (9) date of purchase of vessel;
- (10) date of application for regular certificate of vessel number;
- (11) expiration date of temporary certificate;

(12) signature(s) of owner(s) and agent.

(g) Temporary certificates of vessel number can be issued by vessel registration agents when certificates of vessel number are presented for renewal at the vessel registration agency.

Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21.

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (1) Lockwoods Folly River. An area on that portion of the Lockwood Folly River beginning 1500 feet north of the boat ramp at the end of State Road 1123 and extending downstream to a point 800 feet south of said boat ramp and the portion of Mill Creek beginning at its intersection with the Lockwood Folly River and extending upstream for 100 feet.
- (2) Calabash River. An area located on the Calabash River beginning 100 feet west of the Billy Cox Landing and extending 100 feet east of Captain Harry's Landing.
- (3) State Port Authority Small Boat Harbor. Beginning at the Intracoastal Waterway on the easterly side of the North Carolina State Port Authority Small Boat Harbor; thence runs along and with the easterly boundary of the said boat harbor basin and along the northerly boundary and westerly boundary thereof to a point at the intersection of the westerly boundary of said boat harbor with the highwater mark of the Intracoastal Waterway; runs thence in an easterly direction with the highwater mark of the Intracoastal Waterway to the place and point of beginning, and being the entire small boat harbor in Southport.
- (4) Shallotte River. The portion of the Shallotte River beginning at its intersection with the Intracoastal Waterway and extending from the northern boundary of the Intracoastal Waterway for a distance of 500 feet to the north, to be marked by appropriate markers.
- (5) Big Davis Creek. That part of Big Davis Creek within 100 yards of Sportsman Inn at Blue Water Point Marina near Long Beach.
- (6) Town of Ocean Isle Beach. Those waters in the canals, both natural and concrete, which are located on the south side of the Intracoastal Waterway in the Town of Ocean Isle Beach.
- (7) Town Creek. The 200 yard portion of Town Creek lying in Town Creek Colony as delineated by no wake zone markers.

(b) **Speed Limit.** No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) **Placement and Maintenance of Markers.** Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the following agencies are designated suitable agencies for the placement and maintenance of markers implementing this Rule:

- (1) The Board of Aldermen of Varnamtown as to areas indicated in Paragraph (a), Subparagraph (1) of this Rule.
- (2) The Board of Commissioners of Brunswick County as to areas indicated in Paragraph (a), Subparagraphs (2) - (6) of this Rule.

Authority G.S. 75A-3; 75A-15.

.0310 DARE COUNTY

(a) **Regulated Areas.** This Rule applies to the following waters and portions of waters:

- (1) Manteo. Doughs Creek adjacent to Shallowbag Bay and all canals situated within the territorial limits of the Town of Manteo.
- (2) Hatteras. The waters of Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17, and on the east by the mouth of Muddy Creek at Sandy Bay.
- (3) Mann's Harbor. The waters of Ferry Dock Road Canal.
- (4) Nags Head:
 - (A) Those waters contained within the canals of Old Nags Head Cove Development;
 - (B) The Roanoke Sound inlets at Pond Island on either side of Marina Drive extending north from US 64-264.
- (5) Wanchese:
 - (A) The waters of Wanchese Harbor;
 - (B) The Canal from its beginning where it connects with the Roanoke Sound south of the dead end road SR 1141 extending northwest roughly parallel to SR 1141 and SR 1142, then westward roughly parallel to NC 345, and finally curving to the southwest roughly parallel to the C.B. Daniels Road to its end.
- (6) Stumpy Point Canal. That portion of Stumpy Point Canal beginning at the Wildlife Resources Commission boating access area and extending inland for a distance of 3,600 feet.
- (7) Stumpy Point Basin. That portion of the Stumpy Point Basin, at the head of the Stumpy Point Bay, which is next to Highway 264 in the dock area and designated by the appropriate markers.
- (8) Town of Southern Shores. The waters contained in the canals and lagoons within the territorial

limits of the Town of Southern Shores.

- (9) Colington Harbour. The waters contained in the canals of Colington Harbour.
- (10) Kitty Hawk. Those waters contained in the canals of Kitty Hawk Landing Subdivision.
- (11) Washington Baum Bridge. Those waters of the Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.
- (12) Colington Island. The waters contained in an area beginning at the bath house and recreation center on the western shore of Colington Island, running 600 feet in a northerly direction and extending 300 feet into Albemarle Sound as marked.

(13) The waters of Baum Bay Harbor.

(b) **Speed Limit.** No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) **Restricted Swimming Area.** No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit the same to enter any marked swimming area described in Subparagraph (12) of Paragraph (a) of this Rule.

(d) **Placement and Maintenance of Markers.** Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the following agencies are designated suitable agencies for placement and maintenance of markers implementing this Rule as to the regulated areas listed in the several Subparagraphs of Paragraph (a) of this Rule:

- (1) the Board of Commissioners of the Town of Manteo as to the areas indicated in Subparagraph (1);
- (2) the Board of Commissioners of Dare County as to the areas indicated in Subparagraphs (2) through (7), (9) and (11);
- (3) the Board of Commissioners of the Town of Southern Shores as to the areas indicated in Subparagraph (8);
- (4) the Board of Commissioners of the Town of Kitty Hawk as to the areas indicated in Subparagraph (a)(10).

Authority G.S. 75A-3; 75A-15.

.0342 CATAWBA COUNTY

(a) **Regulated Areas.** This Rule applies to the following waters of Lake Hickory:

- (1) the public fishing pier located at the old Wildlife Club off 12th Street Drive, NW, City of Hickory;
- (2) the shores of the Dixie Boat Club, Inc.;
- (3) that area within 50 yards of the Moore's Ferry Boat Marina and Boathouse on 44th Avenue,

Circle NW- NW;

- (4) the small cove lying between Gull Cove Lane and Quiet Cove Lane.

of this Section shall apply.

Authority G.S. 75A-3; 75A-15.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the waters of the regulated areas specified in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The governing board of the City of Hickory and the Catawba County Board of Commissioners are designated suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

.0348 PERSON COUNTY

(a) Regulated Area. This Rule applies to the Mayo Electric Generating Plant Reservoir, otherwise known as Mayo Reservoir, which is located in Person County.

(b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a motorboat or vessel in any restricted zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

(d) Speed Limit. Except as provided in Paragraph (e) of this Rule, no person shall operate a vessel at greater than no-wake speed within 50 yards of any marked bridge, boat launching ramp, pier, boat storage structure, or boat service area on the regulated area described in Paragraph (a) of this Rule.

(e) Skiing. Except to leave or return to the shore or a boat launching ramp, no skiing is permitted within any speed zone described in Paragraph (d) of this Rule. In leaving or returning to the shore or boat ramp, all vessels pulling skiers must be operated on a course perpendicular to the shore line. Upon dropping skiers within any such speed zone, the boat speed shall be reduced to no-wake speed.

(f) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(g) Boating Access. No vessel shall be placed on the regulated area described in Paragraph (a) of this Rule from any point other than the boat launching ramp provided on SR 1515.

(h) Placement and Maintenance of Markers. The Board of Commissioners of Person County is designated a suitable agency for placement and maintenance of markers implementing this Rule. Provided the said board exercises its supervisory responsibility, it may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated area described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g)

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the *North Carolina Register* serves as a notice of rule-making proceedings for a permanent rule that does not differ substantially from the published temporary rule.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Rule-making Agency: *EHNR - Commission for Health Services*

Rule Citation: *15A NCAC 18A .2601*

Effective Date: *April 8, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *G.S. 130A-248*

Reason for Proposed Action: *This rule revision is proposed so that the rule will concur with Legislative changes brought about in the 1995 Legislative Session.*

Comment Procedures: *All persons interested in this matter are encouraged to submit written comments or questions to Malcolm Blalock, EHNR-Division of Environmental Health: Environmental Health Services Section, PO Box 27687, NC 27611-7687. Comments will be accepted by the agency through May 31, 1996.*

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2600 - SANITATION OF RESTAURANTS AND OTHER FOODHANDLING ESTABLISHMENTS

.2601 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) "Approved" means determined by the Department to be in compliance with this Section. Food service equipment which meets National Sanitation Foundation standards or equal shall be considered as approved. The National Sanitation Foundation Commercial Food Service Equipment Standards are hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Environmental Health, 1330 St. Mary's Street, Raleigh, North Carolina. Copies may be obtained from NSF International, P.O. Box 13014, Ann Arbor, Michigan 48113-0140, at a cost of three hundred and twenty five dollars (\$325.00). Food which complies with requirements of the North Carolina Department of Agriculture or United States Department of Agriculture and the requirements of this Section shall be considered as approved.
- (2) "Catered elderly nutrition site" means an establishment or operation where food is served, but not prepared on premises, operated under the guidelines of the N.C. Department of Human Resources, Division of Aging.
- (3) "Commissary" means a food stand that services mobile food units and pushcarts. The commissary may or may not serve customers at the food stand's location.
- (4) "Department of Environment, Health, and Natural Resources" or "Department" means the North Carolina Department of Environment, Health, and Natural Resources. The term also means the authorized representative of the Department.
- (5) "Drink stand" means those establishments in which only beverages are prepared on the premises and are served in multi-use containers, such as glasses or mugs.
- (6) "Eating and cooking utensils" means any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.
- (7) "Employee" means any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.
- (8) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

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- (9) "Food stand" means those food service establishments which prepare or serve foods and which do not provide seating facilities for customers to use while eating or drinking. Establishments which only serve such items as dip ice cream, popcorn, candied apples, or cotton candy are not included.
- (10) "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its contents after processing.
- (11) "Limited food service establishment" means a food service establishment as described in G.S. 130A-247(7). ~~which operates for a total of 60 days or less per year and more than 15 days per year.~~
- (12) "Local Health Director" means the administrative head of a local health department or his authorized representative.
- (13) "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily moved.
- (14) "Person" means any individual, firm, association, organization, partnership, business trust, corporation, or company.
- (15) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated foods of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
- (16) "Private club" means a private club as defined in G.S. 130A-247(2).
- (17) "Pushcart" means a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, pre-portioned, and individually pre-wrapped at a restaurant or commissary.
- (18) "Responsible person" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee is the responsible person.
- (19) "Restaurant" means all establishments and operations where food is prepared or served at wholesale or retail for pay, or any other establishment or operation where food is prepared or served that is subject to the provisions of G.S. 130A-248. The term does not include establishments which only serve such items as dip ice cream, popcorn, candied apples, or cotton candy.
- (20) "Sanitarian" means a person authorized to represent the Department on the local or state level in making inspections pursuant to state laws and rules.
- (21) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2619.
- (22) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (23) "Single service" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one person use and then discarded.
- (24) "Temporary food establishment" means those food or drink stands which operate for a period of 15 days per year or less, in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

History Note: Authority G.S. 130A-248;

Eff. May 5, 1980;

Amended Eff. January 1, 1996; July 1, 1994; January 4, 1994; July 1, 1993;

Temporary Amendment Eff. April 8, 1996.

This Section includes the Register Notice citation to rules approved by the Rules Review Commission (RRC) at its meeting of March 21, 1996 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register.

TITLE 25 - OFFICE OF STATE PERSONNEL

CHAPTER 1 - OFFICE OF STATE PERSONNEL

SUBCHAPTER 1J - EMPLOYEE RELATIONS

SECTION .0600 - DISCIPLINARY ACTION: SUSPENSION AND DISMISSAL

.0613 PROCEDURAL REQUIREMENTS

The following procedural requirements ~~must~~ shall be followed to issue disciplinary action under this Section:

- (1) **WRITTEN WARNING** - to issue a written warning to an employee, a supervisor ~~must~~ shall issue the employee a written warning, detailing the matters referenced in Rule .0610(a)(1) - (5) of this Section and including any applicable appeal rights.
- (2) **DISCIPLINARY SUSPENSION WITHOUT PAY** - to place an employee on disciplinary suspension without pay, a supervisor ~~must~~ shall comply with the following procedural requirements:
 - (a) In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action. In matters of grossly inefficient job performance or unacceptable personal conduct there are no pre-conditions so an employee may be suspended without pay for a current incident of grossly inefficient performance or unacceptable misconduct;
 - (b) Schedule and conduct a pre-suspension conference. Advance oral or written notice of the appropriate pre-disciplinary conference ~~must~~ shall be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances;
 - (c) Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension;
 - (d) Advise the employee of any applicable appeal rights in the document effecting the suspension.
- (3) **DEMOTION** - to demote an employee, a supervisor ~~must~~ shall comply with the following procedural requirements:
 - (a) In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action.
 - (b) In matters of grossly inefficient job performance or unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be demoted for a current incident of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action;
 - (c) Advance oral or written notice of the appropriate pre-disciplinary conference ~~must~~ shall be given to the employee of the time, location, and the issue for which discipline has been recommended. The amount of advance notice shall be as much as is practical under the circumstances.
 - (d) An employee who is demoted ~~must~~ shall receive written notice of the specific acts or omissions that are the reasons for the demotion;
 - (e) An employee ~~must~~ shall be advised of how and to what extent the demotion will affect the employee's salary rate or pay grade; and
 - (f) The employee ~~must~~ shall also be advised of any applicable appeal rights in the document effecting the demotion.
- (4) **DISMISSAL** - Before an employee may be dismissed, a supervisor ~~must~~ shall comply with the following procedural requirements:
 - (a) The Supervisor recommending dismissal shall discuss the recommendation with appropriate agency management and receive management's authorization to hold a pre-dismissal conference with the employee. The person conducting the pre-dismissal conference ~~must~~ shall have the authority to recommend or to decide what, if any disciplinary action shall be imposed on the employee.
 - (b) The Supervisor or designated management representative shall schedule a pre-dismissal conference with the employee.
 - (c) Advance written notice of the pre-dismissal conference ~~must~~ shall be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice shall be as much as is practical under the circumstances.

- (d) The Supervisor or designated management representative shall conduct a pre-dismissal conference with the employee, limiting attendance to the employee and the person conducting the ~~conference~~ conference; a second management representative may be present at management's discretion. The purpose of the pre-dismissal conference ~~is shall~~ be to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee, in order to insure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference.
- (e) In the conference, the Supervisor shall give the employee oral or written notice of the recommendation for dismissal, including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal, to refute information supporting the recommended dismissal action and to offer information or arguments in support of the employee's position. Every effort shall be made by the Supervisor or the designated management representative to assure that the employee has had a full opportunity to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. This opportunity ~~does~~ shall not include the right to present witnesses.
- (f) Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. If management's decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss should not be communicated to the employee in accordance with this Paragraph, prior to the beginning of the next business day following the conclusion of the pre-dismissal conference or after the end of the second business day following the completion of the pre-dismissal conference.
- (g) The effective date of a dismissal for unsatisfactory job performance shall be determined by management. A career employee who is dismissed for unsatisfactory job performance may, at management's discretion, be given up to two weeks' working notice of his dismissal. Instead of providing up to two weeks' working notice and at the discretion of management, an employee may be given up to two weeks' pay in lieu of the working notice. Such working notice or pay in lieu of notice is applicable only to dismissals for unsatisfactory job performance. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than 14 calendar days after the notice of dismissal.

*History Note: Authority G.S. 126-4; 126-35;
 Eff. October 1, 1995;
 Temporary Amendment Eff. February 12, 1996;
 Amended Eff. August 1, 1996.*

This Section contains a listing of the rules to be reviewed by the Rules Review Commission (RRC) at the next meeting date as noted, and rules that RRC has objected to in accordance with G.S. 150B-21.9(a). State agencies are required to respond to RRC objections as provided in G.S. 150B-21.12(a).

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Jennie J. Hayman - Chairman
 Bill Graham
 Paul Powell
 Ed Shelton

**LOG OF FILINGS
 MEETING DATE: APRIL 18, 1996**

RULES SUBMITTED: FEBRUARY 20, 1996 THROUGH MARCH 20, 1996

AGENCY/DIVISION	RULE NAME	RULE	ACTION
COMMERCE/ALCOHOLIC BEVERAGE CONTROL COMMISSION			
	Collection	4 NCAC 2T .0604	Amend
DHR/MEDICAL CARE COMMISSION			
	Obstetrical Department	10 NCAC 3C .6208	Amend
DHR/DIVISION OF SERVICES FOR THE BLIND/COMMISSION FOR THE BLIND			
	Filling of Vacancies	10 NCAC 19C .0209	Amend
	Purpose	10 NCAC 19C .0408	Amend
	Policy	10 NCAC 19C .0409	Amend
	Procedure	10 NCAC 19C .0410	Amend
	Election	10 NCAC 19C .0504	Amend
	Organization	10 NCAC 19C .0509	Amend
	Meetings	10 NCAC 19C .0510	Amend
	Functions	10 NCAC 19C .0511	Amend
	Subcommittees	10 NCAC 19C .0512	Amend
	Hours of Operation	10 NCAC 19C .0602	Amend
	Reports	10 NCAC 19C .0604	Amend
	Set-Aside	10 NCAC 19C .0702	Amend
	Distribution of Proceeds	10 NCAC 19C .0703	Amend
DHR/DIVISION OF MEDICAL ASSISTANCE			
	Eyeglasses	10 NCAC 26B .0105	Amend
JUSTICE/ATTORNEY GENERAL/COMPANY POLICE			
	Location	12 NCAC 2I .0101	Amend
	Fee	12 NCAC 2I .0206	Amend
	Liability Insurance	12 NCAC 2I .0210	Amend
JUSTICE/CRIMINAL JUSTICE EDUCATION & TRAINING STANDARDS COMMISSION			
	Purpose	12 NCAC 9F .0101	Adopt
	Topical Areas	12 NCAC 9F .0102	Adopt

RULES REVIEW COMMISSION

Approval of Courses	12 NCAC 9F .0103	Adopt
Instructor Qualifications	12 NCAC 9F .0104	Adopt
Instructor Responsibilities	12 NCAC 9F .0105	Adopt
Sanctions	12 NCAC 9F .0106	Adopt
Filing and Fees	12 NCAC 9F .0107	Adopt

DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION

Minimum Design Requirements	15A NCAC 2H .0219	Amend
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DEHNR/WILDLIFE RESOURCES COMMISSION

Fishing on Gamelands	15A NCAC 10C .0004	Amend
Public Mountain Trout Waters	15A NCAC 10C .0205	Amend
Inland Game Fishes	15A NCAC 10C .0301	Amend
Inland Game Fishes	15A NCAC 10C .0302	Amend
Open Seasons	15A NCAC 10C .0305	Amend
Manner of Taking	15A NCAC 10C .0401	Amend
Special Device Fishing	15A NCAC 10C .0404	Amend
Permitted Special Devices	15A NCAC 10C .0407	Amend
Instructor Certification Requirements	15A NCAC 10K .0003	Adopt

DEHNR/RADIATION PROTECTION COMMISSION

Exemptions	15A NCAC 11 .0349	Amend
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DEHNR/COMMISSION FOR HEALTH SERVICES

Procedure for Permit	15A NCAC 13B .0901	Repeal
Applicability	15A NCAC 13B .0902	Repeal
Application Requirements	15A NCAC 13B .0903	Repeal
Operational Requirements	15A NCAC 13B .0904	Repeal
Compost Classification	15A NCAC 13B .0905	Repeal
Requirement for Permit	15A NCAC 13B .1401	Amend
General Provisions	15A NCAC 13B .1402	Amend
General Prohibitions	15A NCAC 13B .1403	Amend
Siting/Design Requirements	15A NCAC 13B .1404	Amend
Application Requirements	15A NCAC 13B .1405	Amend
Operational Requirements	15A NCAC 13B .1406	Amend
Classification	15A NCAC 13B .1407	Amend
Methods for Testing	15A NCAC 13B .1408	Amend
Approval of Alternative Procedures	15A NCAC 13B .1409	Amend
Water Supplies	15A NCAC 18A .1720	Amend
Well Head Protection	15A NCAC 18A .1722	Amend
Springs	15A NCAC 18A .1723	Amend
Water Quality	15A NCAC 18A .1725	Amend
Emergency Supply Systems	15A NCAC 18A .1726	Amend
Continuous Disinfection	15A NCAC 18A .1727	Amend
Inspection Forms	15A NCAC 18A .1805	Amend
Disposal of Garbage	15A NCAC 18A .1814	Amend
Permits	15A NCAC 18A .2702	Amend
General	15A NCAC 19C .0601	Amend
Accreditation	15A NCAC 19C .0602	Amend
Approval of Training	15A NCAC 19C .0603	Amend
Asbestos	15A NCAC 19C .0605	Amend
Fees	15A NCAC 19C .0606	Amend
Asbestos Exposure	15A NCAC 19C .0607	Amend
Training Course	15A NCAC 19C .0608	Amend
Asbestos Neshap	15A NCAC 19C .0609	Amend
Requirements	15A NCAC 19C .0611	Adopt
Chemistry Quality Assurance	15A NCAC 20D .0243	Amend

Food/Lodging	15A NCAC 25 .0213	Amend
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DEPARTMENT OF REVENUE

Tax Credit	17 NCAC 6B .0612	Amend
Fiduciary Returns	17 NCAC 6B .3716	Amend
Farm Machines	17 NCAC 7B .1101	Amend
Animal Clippers	17 NCAC 7B .1105	Amend
Egg Cooling Cabinets	17 NCAC 7B .1108	Amend
Feed Mills	17 NCAC 7B .1109	Amend
Cooling Fans	17 NCAC 7B .1110	Amend
Silo Unloaders	17 NCAC 7B .1112	Amend
Scales	17 NCAC 7B .1114	Amend
Certain Sales	17 NCAC 7B .1123	Amend
Refunds	17 NCAC 7B .1602	Amend
Governmental Sales	17 NCAC 7B .1701	Amend
Refunds to Counties	17 NCAC 7B .1702	Amend
Refunds to Hospitals	17 NCAC 7B .1802	Amend
Sales to Veterinarians	17 NCAC 7B .2401	Amend
Use Tax	17 NCAC 7B .2601	Repeal
Fertilizer and Seeds	17 NCAC 7B .4002	Amend
Insecticides	17 NCAC 7B .4004	Amend
Bread Used for Feed	17 NCAC 7B .4008	Amend
Refunds to Interstate Carriers	17 NCAC 7B .4301	Amend
Leases	17 NCAC 7B .4408	Amend
Shipments	17 NCAC 7B .4902	Amend

SECRETARY OF STATE/BOXING COMMISSION

Toughman	18 NCAC 9 .0117	Adopt
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NC ACUPUNCTURE LICENSING BOARD

Initiation of Formal Hearings	21 NCAC 1 .0705	Adopt
Procedure of Revocation	21 NCAC 1 .0709	Adopt

NC MEDICAL BOARD

Authority	21 NCAC 32H .0101	Amend
Definitions	21 NCAC 32H .0102	Amend
Advanced Life Support	21 NCAC 32H .0201	Amend
Approval Requirements	21 NCAC 32H .0203	Amend
Hospital Involvement	21 NCAC 32H .0301	Amend
Plan for Participating Hospitals	21 NCAC 32H .0302	Amend
Sponsor Hospital	21 NCAC 32H .0303	Amend
Educational Programs	21 NCAC 32H .0401	Amend
EMT-Paramedic Performance	21 NCAC 32H .0402	Amend
EMT-Intermediate Performance	21 NCAC 32H .0403	Amend
Mobile Intensive Care	21 NCAC 32H .0404	Amend
EMT-Advanced	21 NCAC 32H .0406	Amend
EMT-Defibrillation Performance	21 NCAC 32H .0407	Amend
Emergency Medical Dispatcher	21 NCAC 32H .0408	Amend
Medical Direction Assistant	21 NCAC 32H .0409	Adopt
Certification Requirements	21 NCAC 32H .0501	Amend
Certification Requirements	21 NCAC 32H .0502	Amend
Certification Requirements	21 NCAC 32H .0504	Amend
Certification Requirements	21 NCAC 32H .0505	Amend
Certification Requirements	21 NCAC 32H .0506	Amend
Approval Requirements	21 NCAC 32H .0507	Adopt
Grounds for Denial	21 NCAC 32H .0601	Amend
Procedures for Denial	21 NCAC 32H .0602	Amend

Conditions	21 NCAC 32H .0701	Amend
Amendment	21 NCAC 32H .0702	Amend
Required Forms	21 NCAC 32H .0801	Amend
Conditions	21 NCAC 32H .0901	Amend
Study Project Approval	21 NCAC 32H .0902	Amend

NC PSYCHOLOGY BOARD

Practice	21 NCAC 54 .1604	Repeal
Ethical Violations	21 NCAC 54 .1608	Amend
Review Procedure	21 NCAC 54 .1704	Amend
Practicing Psychologist	21 NCAC 54 .1801	Repeal
Failure to Appear	21 NCAC 54 .1904	Amend
License Renewal Form	21 NCAC 54 .2101	Amend
Reinstatement	21 NCAC 54 .2103	Amend
Suspension	21 NCAC 54 .2204	Repeal
HSP-P Requirements	21 NCAC 54 .2704	Amend
HSP-PA Requirements	21 NCAC 54 .2706	Amend

NC VETERINARY MEDICAL BOARD

Authority	21 NCAC 66 .0101	Amend
Applicability of Board Rules	21 NCAC 66 .0105	Amend
Current Information	21 NCAC 66 .0106	Amend
Fees	21 NCAC 66 .0108	Amend
Forms of Practice	21 NCAC 66 .0201	Amend
Name of Practice	21 NCAC 66 .0202	Amend
License Required to Practice	21 NCAC 66 .0203	Amend
Discipline of Licensees	21 NCAC 66 .0205	Amend
Minimum Standards	21 NCAC 66 .0206	Amend
Minimum Facility	21 NCAC 66 .0207	Amend
Facilities Prov. Limited Services	21 NCAC 66 .0208	Amend
Limited Liability Companies	21 NCAC 66 .0209	Adopt
Registered Limited Liability	21 NCAC 66 .0210	Adopt
Application and Examination	21 NCAC 66 .0301	Amend
Special Registration	21 NCAC 66 .0303	Amend
Discipline of Vet. Technicians	21 NCAC 66 .0304	Amend
Temporary Permits	21 NCAC 66 .0305	Amend
License without Examination	21 NCAC 66 .0306	Amend
Revocation	21 NCAC 66 .0307	Amend
Reinstatement	21 NCAC 66 .0308	Amend
Pending Complaint	21 NCAC 66 .0310	Adopt
Limited Veterinary License	21 NCAC 66 .0311	Adopt
Committee on Investigations	21 NCAC 66 .0601	Amend
Who Shall Hear Contested Cases	21 NCAC 66 .0606	Amend
Subpoenas	21 NCAC 66 .0703	Amend

NC SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

Definitions	21 NCAC 68 .0101	Adopt
Board Mailing Address	21 NCAC 68 .0102	Adopt
Application for Registration	21 NCAC 68 .0201	Adopt
Registration Process	21 NCAC 68 .0202	Adopt
Certification as Counselor Intern	21 NCAC 68 .0203	Adopt
Supervised Practical Training	21 NCAC 68 .0204	Adopt
Certified Counselor Certification	21 NCAC 68 .0205	Adopt
Certification Period	21 NCAC 68 .0206	Adopt
Continuing Education	21 NCAC 68 .0207	Adopt
Reciprocity	21 NCAC 68 .0208	Adopt
Conversion	21 NCAC 68 .0209	Adopt

Process for Prevention Consultant	21 NCAC 68 .0210	Adopt
Process for Clinical Supervisor	21 NCAC 68 .0211	Adopt
Process for Residential Facility Director	21 NCAC 68 .0212	Adopt
Continuing Education Approval Policy	21 NCAC 68 .0213	Adopt
Educational Approval Policy	21 NCAC 68 .0401	Adopt
General Guidelines	21 NCAC 68 .0402	Adopt
Employer Inservice Event	21 NCAC 68 .0403	Adopt
Credit Denial or Limitation	21 NCAC 68 .0404	Adopt
Sponsor Guidelines	21 NCAC 68 .0405	Adopt
Procedures for Approval	21 NCAC 68 .0406	Adopt
Applicant Guidelines	21 NCAC 68 .0407	Adopt
Hearing Before Board	21 NCAC 68 .0701	Adopt
Right to Hearing	21 NCAC 68 .0702	Adopt
Request for Hearing	21 NCAC 68 .0703	Adopt
Hearing Requests	21 NCAC 68 .0704	Adopt
Notice of Hearing	21 NCAC 68 .0705	Adopt
Who Shall Hear Contested Cases	21 NCAC 68 .0706	Adopt
Petition for Intervention	21 NCAC 68 .0707	Adopt
Types of Intervention	21 NCAC 68 .0708	Adopt
Disqualification of Board Member	21 NCAC 68 .0709	Adopt

RULES REVIEW OBJECTIONS

ADMINISTRATION

Purchase and Contract

<i>1 NCAC 5A .0002 - Scope</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5A .0012 - Definitions</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0201 - Types of Specifications</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0207 - Copies of Specifications</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0307 - Error/Clarification</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0314 - Request for Proposals</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0401 - General Delegation</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0402 - Review by Board of Award and Secretary of Administration</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0502 - Reasons for Public Record</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0701 - Policy</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0802 - Procedure</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0902 - Selection</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0904 - Samples</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>1 NCAC 5B .0905 - Specifications</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

RULES REVIEW COMMISSION

1 NCAC 5B .1301 - Procedures	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1302 - Dollar Limitations	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1402 - Documentation	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1505 - Funds from Different Sources	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1506 - Conditional Grants: Etc: in Public Purchasing	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1509 - Purchasing from or Through Agency Employees	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1513 - Cooperative Purchasing	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1516 - Advertising	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1518 - Board of Award	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1601 - Exemptions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1602 - Emergencies	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1603 - Special Delegations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1701 - Authorization	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1702 - No Competitive Bidding	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5B .1804 - Personal Property Inventory Plan	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5B .1903 - Files	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5C .0201 - Transfer or Sale	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5C .0204 - Order of Priority in Disposition	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5C .0303 - Notification: Sale of Surplus Property	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5C .0304 - Notification: Award of Surplus Property	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5C .0508 - Agreement and Acknowledgement of Transfer	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96
1 NCAC 5D .0203 - Requests for Authority to Contract with Consultants	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5D .0205 - Competitive Proposals	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
1 NCAC 5D .0206 - Negotiated Consultant Contracts		
Rule Withdrawn by Agency		01/18/96
1 NCAC 5D .0208 - Format		
Rule Withdrawn by Agency		01/18/96
1 NCAC 5D .0210 - Consultant Contracts Contrary to this Section	RRC Objection	01/18/96
Agency Repealed Rule	Obj. Removed	01/18/96

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

15A NCAC 7B .0101 - Purpose	RRC Objection	12/21/95
Agency Revised Rule	Obj. Cont'd	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0201 - Contents of the Land Use Plan	RRC Objection	12/21/95
Agency Revised Rule	Obj. Cont'd	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0204 - Goals and Objectives	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0206 - Data Collection and Analysis	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0207 - Present Conditions	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0210 - Constraints	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0211 - Estimated Demands	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0212 - Policy Statements	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0213 - Land Classification	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0215 - Public Participation	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0401 - Land Use Plan Amendment	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0402 - Public Hearing Required	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7B .0501 - Update Required	RRC Objection	12/21/95
Rule Returned to Agency		01/16/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	02/01/96
15A NCAC 7H .0208 - Use Standards	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
15A NCAC 7H .2205 - Specific Conditions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
15A NCAC 7K .0103 - Maintenance and Repair	RRC Objection	01/18/96
Rule Returned to Agency	Obj. Cont'd	02/15/96
Agency Filed Rule for Codification Over RRC Objection	Eff.	03/01/96

Marine Fisheries

15A NCAC 3M .0504 - Trout	RRC Objection	02/15/96
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Agency Revised Rule
15A NCAC 3R .0003 - Primary Nursery Areas
Agency Revised Rule

Obj. Removed 02/15/96
RRC Objection 02/15/96
Obj. Removed 02/15/96

HUMAN RESOURCES

Services for the Blind

10 NCAC 19C Rules
Rules Withdrawn by Agency

01/18/96

Day Care Rules

10 NCAC 46D .0106 - Allocation
10 NCAC 46D .0107 - Reimbursement
10 NCAC 46D .0202 - Review Criteria for Start-Up Funds
10 NCAC 46E .0108 - Purchase of Care Requirements
Agency Revised Rule
10 NCAC 46H .0104 - Eligibility Criteria
Agency Revised Rule
Agency Revised Rule
10 NCAC 46H .0105 - Support to Employment: Training for Employment
Agency Revised Rule

RRC Objection 01/18/96
RRC Objection 01/18/96
RRC Objection 01/18/96
RRC Objection 01/18/96
Obj. Removed 02/15/96
RRC Objection 01/18/96
Objection Cont'd 01/18/96
Obj. Removed 02/15/96
RRC Objection 01/18/96
Obj. Removed 02/15/96

Facility Services

10 NCAC 3C .3001 - Definitions
No Response from Agency
Agency Revised Rule
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .3302 - Minimum Provisions of Patient's Bill of Rights
No Response from Agency
Agency Revised Rule
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .3902 - Manager
No Response from Agency
Rule Returned to Agency
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .4102 - Classification of Optional Emergency Services
No Response from Agency
Rule Returned to Agency
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .4104 - Medical Director
No Response from Agency
Rule Returned to Agency
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .4203 - Nursing Staff
No Response from Agency
Rule Returned to Agency
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .4303 - Nursing Services Maternal Services
No Response from Agency
Rule Returned to Agency
Agency Filed Rule for Codification Over RRC Objection
10 NCAC 3C .4307 - Nursing Staff of Neonatal Services
No Response from Agency
Rule Returned to Agency

RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96
RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96
RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96
RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96
RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96
RRC Objection 07/13/95
Obj. Cont'd 09/21/95
Obj. Cont'd 10/18/95
Eff. 01/01/96

Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .4401 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .4502 - Pharmacist	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .4508 - Space		
RRC Rescinded its July Approval		10/18/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .4702 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .4705 - Nutritional Support	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .4801 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .5002 - Delivery of Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .5202 - Definitions Applicable/Psychiatric/Substance Abuse Svcs.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3C .5302 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5309 - Nursing/Health Care Administration and Supervision	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5315 - Dental Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5318 - Activities and Recreation	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5319 - Social Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5322 - Brain Injury Extended Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5323 - Brain Injury Extended Care Program Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5324 - Special Nursing Req. Brain Injury Long Term Care	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5325 - Ventilator Dependence	RRC Objection	07/13/95

RULES REVIEW COMMISSION

No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5326 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5401 - Definitions	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5402 - Physician Req for Inpatient Rehabilitation Facilities or Units	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5403 - HIV Designated Unit Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5405 - Physician Services in a HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5405 - Physician Services in a HIV Designated Unit	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 3C .5407 - Use of Investigational Drugs on the HIV Designated Unit	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5407 - Comprehensive Rehabilitation Personnel Administration	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5408 - Comprehensive Inpatient Rehabilitation Program Staffing Req.	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5409 - Staff Training for Inpatient Rehabilitation Facilities or Unit	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5412 - Additional Requirements for Traumatic Brain Injury Patients	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5413 - Additional Requirements for Spinal Cord Injury Patients	RRC Objection	01/18/96
Agency Responded	Obj. Cont'd	02/15/96
10 NCAC 3C .5501 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5502 - Physician Reg. for Inpatient Rehab. Facilities or Units	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5507 - Comprehensive Rehabilitation Personnel Administration	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5508 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5512 - Additional Req. for Traumatic Brain Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .5513 - Additional Req. for Spinal Cord Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3H .2001 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2201 - Administrator	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .2202 - Admissions	RRC Objection	07/13/95

No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2203 - Patients Not to be Admitted	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2206 - Medical Director	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2212 - Quality Assurance Committee	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2301 - Patient Assessment and Care Planning	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2302 - Nursing Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2308 - Domiciliary Home Personnel Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2401 - Maintenance of Medical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2501 - Availability of Physician's Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2505 - Brain Injury Long-Term Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2506 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2601 - Availability of Pharmaceutical Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2605 - Drug Storage and Disposition	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2606 - Pharmaceutical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2607 - Emergency Drugs	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95

<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2701 - Provision of Nutrition and Dietetic Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2801 - Activity Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2802 - Social Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3002 - Quality of Specialized Rehabilitation Services	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3003 - Ventilator Dependence	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3004 - Brain Injury Long-Term Care	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3005 - Special Nursing Req. for Brain Injury Long-Term Care	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Agency Revised Rule</i>	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3011 - HIV Designated Unit Policies and Procedures	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3012 - Physician Services in an HIV Designated Unit	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3013 - Special Nursing Requirements for an HIV Designated Unit	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3015 - Use of Investigational Drugs for HIV Designated Units	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3016 - Additional Social Work Req. for HIV Designated Units	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3021- Physician Req. for Inpatient Rehab. Facilities or Units	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3027 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection	07/13/95
<i>No Response from Agency</i>	Obj. Cont'd	09/21/95
<i>Rule Returned to Agency</i>		10/18/95

Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
10 NCAC 3H .3031 - Additional Req. for Spinal Cord Injury Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 01/01/96
 RRC has Objected on 07/13/95 to the Following Repeals in 10 NCAC 3C:		
10 NCAC 3C .1901 - .1912, .1915 - .1932, .2001 - .2008, .2020 - .2033	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rules Returned to Agency		10/18/95
10 NCAC 3L .0901 - Definitions	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1004 - Evaluation	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1102 - Nursing Services and Duties	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1103 - Physical Therapy Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1105 - Occupational Therapy Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1106 - Medical Social Work Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1108 - Infusion Nursing Services	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1109 - Clinical Respiratory Svcs, Including Pulmonary, or Ventilation Svcs	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1110 - Supvn/Competency/In-Home Aides/Other In-Home Care Providers	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1202 - Case Review and Plan of Care	RRC Objection	11/16/95
Rule Returned to Agency	Obj. Cont'd	12/21/95
Agency Filed Rule for Codification Over RRC Objection		Eff. 02/01/96
10 NCAC 3L .1402 - Content of Record	RRC Objection	11/16/95
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 3T .0202 - Application for and Issuance of a License	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	02/15/96
10 NCAC 3T .0601 - Acceptance of Patients for Hospice Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 3T .0605 - Home Care	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	02/15/96
10 NCAC 3T .0801 - Pharmaceutical and Medical Treatment Orders	RRC Objection	01/18/96
Agency Revised Rule	Objection Cont'd	01/18/96
Agency Revised Rule	Obj. Removed	02/15/96
10 NCAC 3T .0901 - Content of Medical Record	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	02/15/96

Medical Assistance

10 NCAC 261 .0102 - Requests for Formal and Informal Appeals	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95
10 NCAC 261 .0106 - Payment Pending Appeals	RRC Objection	10/18/95
Rule Returned to Agency	Obj. Cont'd	11/16/95
10 NCAC 50D .0101 - Notice of Estate Recovery	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0102 - Permanently Institutionalized	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0103 - Age 55 and Over	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0201 - Reconsideration Review	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0301 - Permanently Institutionalized	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0302 - Age 55 and Over	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0401 - Filing Claim Against Estate	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0402 - Collection of Claims	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0501 - Recovery Not Cost Effective	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0502 - Undue Hardship	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96
10 NCAC 50D .0503 - Determination of Undue Hardship	Extended Review	01/18/96
Returned Rule to Agency for Failure to Comply with APA		02/15/96

Mental Health: General

10 NCAC 14C .1010 - Contract Requirements for Area Programs	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1013 - Recovery of Division Funds in Non-compliance Situations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1015 - Fund Balance: Computation for Area Programs	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1133 - Funding Alcohol and Drug Education Traffic Schools	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1134 - Funds for Multidisciplinary Evaluations: Guardianship	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1136 - Funds for Assaultive Children	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1137 - Funding Drug Education Schools	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1148 - Thomas S. Community Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1150 - Governor's Substance Abuse Prevention Program	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1152 - Clozapine	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1153 - Communicable Disease Risk/Svcs to Intravenous (Iv) Drug Users	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1154 - Treatment Alternatives for Women	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1155 - Unit Cost Reimbursement (Ucr) Child and Adult	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1158 - Traumatic Brain Injury	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96

10 NCAC 14C .1159 - Revolving Loan	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14C .1160 - Domiciliary Care	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14D .0006 - Use of Division Funds for Inpatient Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0103 - General Definitions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0208 - Research Review Board	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0301 - Compliance with Building Codes	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0303 - Location and Exterior Requirements	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0402 - License Issuance	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0403 - Deemed Status	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0404 - Operations During Licensed Period	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0502 - Area Program/hospital Agreement	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0504 - Client Rights Committee	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0505 - Notification Procedures for Provision of Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0603 - Accreditation of the Area Program	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0604 - Denial or Revocation of Accreditation	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0605 - Interim Accreditation for New Services	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0707 - Special Requests	RRC Objection	01/18/96
Rule Withdrawn by Agency	Obj. Cont'd	02/15/96
10 NCAC 14V .0709 - Establishment of an Area Authority Appeals Panel	RRC Objection	01/18/96
Rule Withdrawn by Agency	Obj. Cont'd	02/15/96
10 NCAC 14V .0802 - Definitions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0803 - General Requirements for Infants and Toddlers	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0804 - Surrogate Parents	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .0805 - Procedural Requirements	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .1403 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2304 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2306 - Client Eligibility and Admissions	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2403 - Operations	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .2404 - Physical Plant	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3402 - Staff	RRC Objection	01/18/96
Agency Revised Rule	Obj. Removed	01/18/96
10 NCAC 14V .3603 - Staff	RRC Objection	01/18/96

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .3702 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .3803 - Operations</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/15/96</i>
<i>10 NCAC 14V .3902 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .3903 - Operations</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/15/96</i>
<i>10 NCAC 14V .4102 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .5302 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .5503 - Operations</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .5702 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .5801 - Scope</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .5803 - Operations</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>
<i>10 NCAC 14V .6002 - Staff</i>	<i>RRC Objection</i>	<i>01/18/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>01/18/96</i>

Social Services Commission

<i>10 NCAC 39D .0304 - Alternative Work Experience</i>	<i>Extended Review</i>	<i>01/18/96</i>
	<i>RRC Objection</i>	<i>02/15/96</i>

Vocational Rehabilitation Services

<i>10 NCAC 20B Rules</i>		
<i>Rules Withdrawn by Agency</i>		<i>01/18/96</i>

INSURANCE

Admission Requirements

<i>11 NCAC 14 .0705 - Filing and Payment of Premium Taxes</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>

Agent Services Division

<i>11 NCAC 6A .0201 - General Information</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>11 NCAC 6A .0217 - North Carolina Notice of Cancellation</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>11 NCAC 6A .0225 - Appointment of North Carolina Agent</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>11 NCAC 6A .0226 - Termination of North Carolina Agent Appointment</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>11 NCAC 6A .0235 - Corporate Surplus Lines Application</i>		
<i>Rule Withdrawn by Agency</i>		<i>01/18/96</i>
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	<i>02/15/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>02/15/96</i>
<i>11 NCAC 6A .0236 - Application for Corporate/Partnership Insurance License</i>		

<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 6A .0304 - Responsibility of Applicant at Examination Site		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 6A .0501 - Renewal/Agent Appts: Licenses/Limited Reps: Company Adjusters		
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	01/18/96
	<i>Obj. Removed</i>	01/18/96
11 NCAC 6A .0701 - General Requirements		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 6A .0702 - Prelicensing Education Schools		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 6A .0703 - Program Directors		
<i>Rule Withdrawn by Agency</i>		01/18/96
11 NCAC 6A .0704 - Courses		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 6A .0705 - Instructors		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96

Financial Evaluation Division

11 NCAC 11B .0141 - Use of Master Trust Increase Deposit Existing Companies		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 11B .0602 - Administration - All Self-insurers		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 11B .0617 - Group Assessments, Disclosure, Deviations, and Dividends		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	02/15/96
11 NCAC 11C .0112 - Model Custodial Agreement		
<i>Rule Withdrawn by Agency</i>		01/18/96
<i>Agency Resubmitted Rule</i>	<i>RRC Objection</i>	02/15/96
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	02/15/96

Life and Health Division

11 NCAC 12 .0824 - Required Disclosure Provisions		
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	01/18/96
	<i>Obj. Removed</i>	01/18/96
11 NCAC 12 .0839 - Medicare Select Policies and Certificates		
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	01/18/96
	<i>Obj. Removed</i>	01/18/96
11 NCAC 12 .1707 - Solicitation		
<i>Agency Revised Rule</i>	<i>RRC Objection</i>	01/18/96
	<i>Obj. Removed</i>	01/18/96

Special Services Division

11 NCAC 13 .0317 - Ten-Day Notice

Rule Withdrawn by Agency

Agency Resubmitted Rule

Agency Revised Rule

	01/18/96
<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

JUSTICE

Private Protective Services

12 NCAC 7D .0204 - Determination of Experience

Agency Revised Rule

<i>RRC Objection</i>	01/18/96
<i>Obj. Removed</i>	01/18/96

LICENSING BOARDS AND COMMISSIONS

Board of Certified Public Accountant Examiners

21 NCAC 8F .0103 - Filing of Examination Applications and Fees

Agency Revised Rule

<i>RRC Objection</i>	01/18/96
<i>Obj. Removed</i>	01/18/96

21 NCAC 8G .0404 - Requirements for Cpe Credit

Agency Revised Rule

<i>RRC Objection</i>	01/18/96
<i>Obj. Removed</i>	01/18/96

Board of Dietetics/Nutrition

21 NCAC 17 .0101 - Definitions

Agency Revised Rule

<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

21 NCAC 17 .0201 - Definitions

Agency Responded

Agency Revised Rule

<i>RRC Objection</i>	12/21/95
<i>Obj. Cont'd</i>	01/18/96
<i>Obj. Removed</i>	02/15/96

21 NCAC 17 .0402 - Individuals Providing Nutrition Information

Agency Revised Rule

<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

Board of Examiners of Electrical Contractors

21 NCAC 18B .0902 - Preferring Charges

Agency Revised Rule

<i>RRC Objection</i>	01/18/96
<i>Obj. Removed</i>	01/18/96

Hearing Aid Dealers and Fitters Board

21 NCAC 22F .0020 - Continuing Education

Agency Revised Rule

<i>Extended Review</i>	01/18/96
<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

21 NCAC 22I .0008 - Calibration Check for Audiometers

Agency Revised Rule

<i>Extended Review</i>	01/18/96
<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

21 NCAC 22I .0009 - Approval of Calibrators

Agency Revised Rule

<i>Extended Review</i>	01/18/96
<i>RRC Objection</i>	02/15/96
<i>Obj. Removed</i>	02/15/96

21 NCAC 22L .0001 - Committee on Investigations

21 NCAC 22L .0005 - Notice of Hearing

RRC Approved Rule

<i>Extended Review</i>	01/18/96
<i>RRC Objection</i>	02/15/96
<i>Extended Review</i>	02/15/96

21 NCAC 22L .0006 - Who Shall Hear Contested Cases

RRC Approved Rule

<i>Extended Review</i>	01/18/96
	02/15/96

21 NCAC 22L .0009 - Informal Procedures

RRC Approved Rule

<i>Extended Review</i>	01/18/96
	02/15/96

21 NCAC 22L .0010 - Disqualification of Board Members

RRC Approved Rule

<i>Extended Review</i>	01/18/96
	02/15/96

21 NCAC 22L .0011 - Failure to Appear RRC Approved Rule	Extended Review	01/18/96 02/15/96
21 NCAC 22L .0013 - Subpoenas RRC Approved Rule	Extended Review	01/18/96 02/15/96
21 NCAC 22L .0014 - Final Decision RRC Approved Rule	Extended Review	01/18/96 02/15/96
21 NCAC 22L .0015 - Proposals for Decisions and Final Decision RRC Approved Rule	Extended Review	01/18/96 02/15/96

Licensing Board of Landscape Architects

21 NCAC 26 .0307 - Continuing Education as a Condition of Annual Renewal Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 02/15/96
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Marital and Family Therapy Certification Board

21 NCAC 31 .0102 - Address	RRC Objection	02/15/96
21 NCAC 31 .0104 - Fees	RRC Objection	02/15/96
21 NCAC 31 .0304 - Subsequent Reexaminations	RRC Objection	02/15/96
21 NCAC 31 .0502 - Approved Supervision	RRC Objection	02/15/96

Board of Medical Examiners

21 NCAC 32H .0506 - Certification Requirements: Emergency Medical Dispatcher Rule Returned to Agency RRC Rescinds 12/25/95 Approval for Failure to Provide Notice on the Amendment		02/15/96
21 NCAC 32N .0002 - Continuances Agency Responded - Agency Will Not Revise Rule Rule Returned to Agency for Failure to Comply With Administrative Procedures Act	RRC Objection Obj. Cont'd Obj. Cont'd	08/10/95 09/21/95 01/18/96

Board of Opticians

21 NCAC 40 .0314 - Apprenticeship and Internship Requirements: Registration Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
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Examiners of Fee-based Practicing Pastoral Counselors

21 NCAC 45 .0201 - Information Required	RRC Objection	02/15/96
21 NCAC 45 .0301 - Types	RRC Objection	02/15/96
21 NCAC 45 .0402 - Second Notice	RRC Objection	02/15/96
21 NCAC 45 .0501 - Continuing Education Requirements	RRC Objection	02/15/96
21 NCAC 45 .0601 - Equivalency	RRC Objection	02/15/96
21 NCAC 45 .0701 - Issuance of Temporary Certificate	RRC Objection	02/15/96
21 NCAC 45 .0802 - Types of Supervision Agency Revised Rule	RRC Objection Obj. Cont'd	02/15/96 02/15/96
21 NCAC 45 .0901 - Requirements for Individual Psychotherapy Experience Agency Revised Rule	RRC Objection Obj. Cont'd	02/15/96 02/15/96
21 NCAC 45 .1001 - Code of Ethics	RRC Objection	02/15/96

Board of Physical Therapy Examiners

21 NCAC 48A .0001 - Name and Location Agency Repealed Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
21 NCAC 48D .0010 - Administration of Examination Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96

Board of Professional Engineers and Land Surveyors

21 NCAC 56 .1301 - <i>Improper Practice by a Registrant</i> Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 02/15/96
Therapeutic Recreation Certification Board		
21 NCAC 65 Rules Rules Returned to Agency for Failure to Comply with OAH Filing Requirements		01/18/96
Certification Board for Substance Abuse Professionals		
21 NCAC 68 .0504 - <i>Legal Standards and Moral Standards</i> Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
21 NCAC 68 .0507 - <i>Client Welfare</i> Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96
REVENUE		
Motor Fuels Tax Division		
17 NCAC 9K .0201 - <i>Exporter's License</i> Rule Withdrawn by Agency		01/18/96
SECRETARY OF STATE		
Corporations Division		
18 NCAC 4 .0302 - <i>Execution</i> Agency Revised Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
Uniform Commercial Code Division		
18 NCAC 5 .0101 - <i>Location and Hours</i> Agency Revised Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
STATE PERSONNEL		
25 NCAC 1B .0203 - <i>Additional Information</i> Agency Repealed Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
25 NCAC 1B .0205 - <i>Oral Presentations</i> Agency Revised Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
25 NCAC 1B .0207 - <i>Written Submissions</i> Agency Repealed Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
25 NCAC 1B .0437 - <i>Appeal to the State Personnel Commission: Procedures</i> Agency Revised Rule	RRC Objection Obj. Removed	02/15/96 02/15/96
TRANSPORTATION		
Division of Motor Vehicles		
19A NCAC 3D .0553 - <i>Photometer Compliance</i> Agency Revised Rule	RRC Objection Obj. Removed	01/18/96 01/18/96

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES				
<i>Coastal Resources</i>				
J. E. Smith Construction Co. v. Division of Coastal Management	96 EHR 0074	Nesnow	02/23/96	
<i>Marine Fisheries</i>				
Grayden L. Fulcher and Michael Styron, Sr. v. Div. of Marine Fisheries	96 EHR 0003	Reilly	03/06/96	
HUMAN RESOURCES				
<i>Division of Facility Services</i>				
Eloise Brown v. Dept. of Human Resources, Division of Facility Services	95 DHR 1002	Phipps	03/07/96	
<i>Division of Social Services</i>				
Rozens Chambliss v. Department of Human Resources	95 DHR 1044	Nesnow	03/12/96	
Mr. and Mrs. Jessie Stevenson v. DHR, Division of Social Services	95 DHR 1072	Phipps	03/15/96	
<i>Child Support Enforcement Section</i>				
Joselito D. Pilar v. Department of Human Resources	95 CSE 1180	Chess	03/01/96	
Patrick Orlando Crump v. Department of Human Resources	95 CSE 1221	Nesnow	03/05/96	
Peter Robert Kovolsky v. Department of Human Resources	95 CSE 1230	Becton	03/11/96	
Carl E. Coffey v. Department of Human Resources	95 CSE 1270	Nesnow	03/15/96	
Mickey Turner v. Department of Human Resources	95 CSE 1278	Nesnow	03/14/96	
James Thomas McRae v. Department of Human Resources	95 CSE 1296	Chess	03/15/96	
Derrick L. Conyers v. Department of Human Resources	95 CSE 1308	Reilly	03/13/96	
Charles Edward Smith v. Department of Human Resources	95 CSE 1309	West	03/07/96	
Thornell Bowden v. Department of Human Resources	95 CSE 1345	Morrison	03/07/96	
Daniel Leslie Baker v. Department of Human Resources	95 CSE 1373	Morrison	03/12/96	
Wm. R. Evans v. Department of Human Resources	95 CSE 1377	Becton	03/11/96	
Rory J. Curry v. Department of Human Resources	95 CSE 1380	Mann	03/15/96	
Cynthia Pinder v. Department of Human Resources	95 CSE 1406	Becton	03/11/96	
Ramon Domenech v. Department of Human Resources	95 CSE 1408	Phipps	03/11/96	
Dennis L. McNeill v. Department of Human Resources	95 CSE 1435	Becton	03/13/96	
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John W. Scott v. Department of Human Resources	96 CSE 0130	Mann	03/15/96	
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<i>Education and Training Standards Division</i>				
Freddie Levern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
PUBLIC INSTRUCTION				
Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Nesnow	03/13/96	11:01 NCR 50

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
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<i>Department of Correction</i>				
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* Consolidated cases.

STATEMENT OF CASE

Upon the Motion of the Respondent, this matter came on for hearing in a bifurcated manner. The issue of whether or not Petitioner received adequate notice and thereby did not timely file her Petitioner was heard on November 17, 1995. The undersigned determined that the matter should be brought on for hearing on the second issue but reserved ruling on the first issue until the time of the Recommended Decision.

Based upon careful consideration of the testimony and evidence presented at the hearing, the documents and exhibits received into evidence and the entire record in this proceeding, the undersigned makes the following:

FINDINGS OF FACT

1. Petitioner was employed by the Guilford County School System from April of 1975 until her resignation on December 31, 1991.
2. From 1975 through 1980, Petitioner was a Special Education Classroom Teacher. From 1980 until her resignation in 1991, Petitioner was an Assistant Principal.
3. Petitioner has a Masters Degree in education.
4. At some time prior to the 90/91 academic school year, Petitioner had an opportunity to attend Iowa State University in their Doctoral Program in the School of Education.
5. Petitioner wrote to her supervisor and requested a leave of absence without pay for the academic year 90/91, which request was granted.
6. At all times relevant to this matter, Stanley Wayne Morgan was the Assistant Superintendent for Personnel with the Guilford County School System.
7. At all times relevant to this matter Ernest Wayne Trogden was the Superintendent of the Guilford County School System.
8. By the summer of 1991, Petitioner had completed the class work required for her Doctorate. She had not, however, completed the work required for her dissertation.
9. On June 10, 1991, Mr. Morgan wrote to Petitioner reminding her that her leave of absence which extended through June 30, 1991, was about to expire and that she was expected to return to the Guilford County Schools.
10. On June 21, 1991, Superintendent Trogden sent a form letter to Petitioner notifying her, as well as many other employees of the school system, that a budget cutback was about to cause reduction in contracts, reductions in salaries, and other changes necessary to meet the reduced budget.
11. On June 27, 1991, Petitioner wrote to Mr. Morgan requesting that her educational leave be extended to August 1, 1992, so that she could continue her work at Iowa State University.
12. Petitioner's current approved leave was to expire three days after the above letter was written.
13. On July 2, 1991, Mr. Morgan wrote to Petitioner telling her that it was the practice of the school system to limit educational leaves to no more than one year. He denied Petitioner's request and reminded her that she was expected to return to the Guilford County School System for the 91/92 year.
14. It is a regulation of the school system that teachers must resign their contract more than 30 days before they leave their employment. Since the reporting date for teachers in 1991 was August 12, Mr. Morgan reminded Petitioner that if she was considering resignation she would be required to resign before July 12.

15. On July 25, 1991, Petitioner wrote Mr. Morgan telling him that she had been surprised by the denial of the request for an extension of her leave. She noted that she had been "led to believe that the extension was a matter of justifying my standing in the graduate school and putting the request in writing." She further noted in that letter that she understood past practices of the system allowed extensions of educational leave.

16. Petitioner noted that based upon a conversation which she had allegedly had with Mr. Morgan, she understood that extensions of leave were usually granted and that any benefits such as retirement, sick leave or vacation, would be held intact.

17. In that letter Petitioner also noted that she was disappointed that the school system was not supporting her and that in the event of a forced resignation she wanted payment for her annual leave and sick leave. She further noted that she had no recourse except to return to her position in the Guilford County Schools.

18. On July 29, 1991, Mr. Morgan again wrote to Petitioner informing her that he had reconsidered her request for extension of her leave and was again denying that request. He noted further that any resignation decision was hers to make and if she chose to resign and did so no later than August 5, 1991, "No action will be taken to revoke your North Carolina Teaching Certificate."

19. On August 7, 1991, Mr. Morgan again wrote Petitioner welcoming her back to the Guilford County School System and telling her that her assignment was at Southwest High School as a teacher of exceptional children, effective August 12, 1991.

20. Petitioner returned to the school system and reported to work on August 12, 1991. The students were not to begin school until later that month. After one day at work, Petitioner did not return.

21. Petitioner testified that her stress level was extremely high and that when she returned to North Carolina she could not get the people renting her house to leave. Further, she had a 13 year old daughter who was still in Iowa and whose school placement was not established.

22. Petitioner subsequently visited Dr. Meyers Powell, Jr., a psychiatrist, for treatment of stress. On August 14, 1991, Dr. Powell wrote a note stating that he had examined Ms. Suggs and recommended that she take a 30-day medical leave of absence from her usual work duties.

23. On August 15, 1991, Petitioner wrote a similar note requesting that she be granted a 30-day medical leave of absence.

24. Mr. Morgan communicated to Petitioner that he would require an additional note from the doctor giving further information about her medical condition and why a 30-day medical leave was necessary.

25. After Petitioner did not return to work, Mr. Morgan was unable to locate Petitioner. He called the Iowa State Registrar and learned that Petitioner was still enrolled in the graduate program. The Registrar also informed Mr. Morgan that Petitioner had started her Fall semester on August 26, 1991.

26. Mr. Morgan reported this to Superintendent Trogden. Subsequently, Mr. Morgan attempted to call Ms. Suggs in Iowa and spoke to someone named "Laura" who informed him that the Petitioner was in a meeting and would return his call.

27. Mr. Morgan called Iowa State again and talked to someone named "Chris" who said that he had not seen Ms. Suggs that morning. Subsequently, Mr. Morgan once again called Iowa State and spoke to Dr. Jim Sweeney who is involved in the graduate program in education. Dr. Sweeney knew Ms. Suggs and said that he would talk to her that evening.

28. On September 3, 1991, Mr. Morgan wrote to Dr. Powell and asked for further information concerning Ms. Suggs' request for leave of absence and her medical condition. Dr. Powell did not answer that letter.

29. On September 5, 1991 at 11:35 p.m., Mr. Morgan communicated with Ms. Suggs by telephone. She informed him that she was still in graduate school at Iowa State and said she was surprised that her doctor had not been in further contact with Mr. Morgan. Ms. Suggs told Mr. Morgan that she would call her doctor and have him contact the school system.

30. On September 10, 1991, Mr. Morgan wrote to Ms. Suggs, sending her the sick leave policy and informing her that her request for sick leave was disapproved and she was considered absent without leave. He further noted that it was her responsibility to provide medical documentation to justify her request for sick leave.

31. If Petitioner had resigned her position before returning to work, she would have forfeited her accumulated sick leave. If she returned and then took sick leave, she would be receiving salary during the period of her absence due to illness.

32. On September 19, 1991, Mr. Morgan again wrote to Ms. Suggs, telling her that she must provide documentation concerning her request for sick leave and that she is considered absent without leave in violation of school board policies and State law. He further noted that Petitioner was required to attend a meeting in Mr. Morgan's office on Tuesday morning, September 24, 1991 at 9:00 a.m. to fully explain her absence.

33. On September 24, 1991, Petitioner faxed a letter to Mr. Morgan informing him that she would be unable to attend the meeting. She requested that another meeting be arranged at a more convenient time.

34. On September 25, 1991, Mr. Morgan again called Iowa State and was told by "Chris" that Ms. Suggs was in a workshop but he would leave a message for her. Mr. Morgan called again on October 4 and 7, but was unable to get through to Ms. Suggs.

35. Mr. Morgan then wrote Petitioner another letter which was sent by federal express mail. He reiterated that she was absent without leave, that her sick leave had been disapproved, that she had not appeared for the original meeting, and that she had not yet heard from her doctor. Mr. Morgan also told Petitioner that he had arranged a meeting for October 17 and noted "I am deeply disturbed by your lack of attention to this matter and hope that we can clarify your status..."

36. On October 15, 1991, Ms. Suggs wrote to Mr. Morgan informing him that the October 17, 1991 meeting was arranged with too short notice and that she would be unable to attend. She further informed him that she had retained an attorney and would arrange for her attorney to get information from Dr. Powell.

37. On October 17, 1991, Mr. Morgan noted on his memo forms that he attempted to call Petitioner in Iowa at 2:31 p.m. and received no answer, at 3:32 p.m. and got a busy signal, at 3:43 p.m. and received no answer, and 3:57 p.m. and received no answer.

38. On October 21, 1991, Mr. Morgan again wrote to Petitioner noting that he has been unable to reach her. He explained many of Ms. Suggs' concerns in that letter and noted that she had not been communicating adequately. He reiterated that six weeks had passed since the denial of her sick leave request and she had failed to provide any type of meaningful response to his request for explanation. He noted that she had missed two scheduled meetings and reminded her that it was her duty to provide documentation for her sick leave. In that letter Mr. Morgan also stated "I am dumbfounded by your inattention to this matter and your willingness to play games with the procedures and jeopardize your career." He further noted that he had been forced to employ a substitute teacher for her classes.

39. On October 22, 1991, Superintendent Trogden wrote Petitioner at her Iowa address. In that letter he notified Petitioner of his intent to recommend her dismissal and he listed six grounds upon which he would base the dismissal. Superintendent Trogden noted Petitioner's unresponsiveness and absence without leave. He further suspended Petitioner as of the date of the letter and provided her with a current list of the members of the Professional Review Committee, informing her that she may request a review of his recommendation by that committee.

40. Petitioner requested the review and on November 26, 1991, John Betterton, the Chairman of the Professional Review Committee Panel, wrote a letter to Superintendent Trogden and to Petitioner. In that letter he gave the names

of the Panel members and stated that the Panel will hold a hearing in Greensboro, North Carolina on December 12, 1991 at 9:00 a.m. in the Guilford County Schools, 120 Franklin Boulevard, Greensboro, North Carolina. This letter was sent certified, return receipt requested.

41. Neither Petitioner nor her attorney appeared at the review.

42. On December 12, 1991, Mr. Betterton again wrote a certified, return receipt requested letter to Superintendent Trogden and to the Petitioner. In that letter he stated that the Review Panel had met and that Superintendent Trogden and his representative, Richard A. Schwartz, were present but Petitioner was not present nor was her attorney.

43. Mr. Betterton also stated in that letter that the Panel had decided to uphold each of the six grounds for which Superintendent Trogden had dismissed the Petitioner.

44. On December 24, 1991, Superintendent Trogden wrote to Petitioner enclosing a copy of the above-described report and informing her that he intended to submit a written recommendation for her dismissal to the Guilford County Board of Education. He further stated that Petitioner could resign if she chose to.

45. Further, in that letter, Superintendent Trogden stated:

I urge you to think very carefully about what you are doing and the course of action you have chosen. Your lack of response and your irresponsibility in connection with your duties in this case (particularly given your refusal to appear before the Professional Review Committee Panel, after you had requested such a hearing in the first place) are difficult to understand and probably will be damaging to your professional aspirations and career. I look forward to hearing from you after your receipt of this letter...

46. On December 31, 1991, Petitioner faxed a letter to Superintendent Trogden resigning her position.

47. In that letter she stated that he had "repeatedly attempted to negotiate a settlement over my employment situation..." She further stated, in pertinent part:

The experience since June 1991 has been stressful and harrowing, not to mention time consuming and expensive. It is my feeling that you have not only attempted to ruin my professional record with your school system by placing damaging, erroneous and negative information in my personnel file, but you have also actively attempted to undermine my efforts to acquire a graduate degree at Iowa State University. Your telephone calls to the Educational Administration Department (my major professor, other graduate students, and administrative staff) forced me to withdraw from all but one of my classes due to the pressure and persistent harassment. You have also hampered my attempts to get much needed medical attention for the emotional state created by your harassment of both my therapist and myself. You also contrived charges against me for these attempts despite the fact I had required and requested documentation. **I also had earned in my previous years as an employee with the school system in excess of four months of accumulated sick leave to enable me to get the medical therapy needed.**

48. On January 27, 1992, Superintendent Trogden wrote Petitioner a lengthy letter, certified mail, return receipt requested. In that letter Superintendent Trogden responded to the above letter of Petitioner and to each of the allegations included therein.

49. Subsequently, the Guilford County School Board wrote to the State Board of Education recommending the revocation of Petitioner's teaching certificate.

50. Although local School Boards may hire and fire teachers, only the State Board of Education (SBE) has authority over a teacher's teaching certificate.

51. The Department of Public Instruction (DPI) handles the administrative preparation of revocations and

suspensions which are ultimately presented to the State Board of Education for the decision.

52. Prior to returning to North Carolina, Petitioner received letters from Mr. Morgan and Superintendent Trogden at her Ames, Iowa address.

53. Subsequent to leaving North Carolina in August of 1991, Petitioner received letters from Mr. Morgan and Superintendent Trogden at her address in Ames, Iowa.

54. Earlier, in July of 1991, Petitioner called the North Carolina Department of Public Instruction (DPI) to inquire into her retirement and sick leave status.

55. David Holzkorn, DPI personnel, responded to that inquiry by writing to Petitioner at her Ames, Iowa address.

56. On August 20, 1993, DPI wrote Petitioner notifying her that a revocation would be considered by the SBE and giving her 60 days to appeal.

57. This letter was sent to Petitioner's Greensboro address.

58. Although DPI personnel had communicated with Petitioner in Iowa, the Personnel Section and the Suspension/Revocation Section do not share files.

59. The letter was sent certified, return receipt requested, and the return of service indicated that it had not been received.

60. DPI did not further seek to determine Petitioner's correct mailing address.

61. There is no statutory requirement that teachers inform DPI/SBE of their current address.

62. 16 NCAC 6C .0312 provides that the SBE may review written charges against a teacher and determine whether the teacher's certificate should be suspended or revoked. If the SBE determines that the charges constitute grounds for suspension or revocation, it must provide the teacher with a copy of the written charges and notify the teacher that it will revoke the teacher's certificate unless the teacher within 30 days of receipt of notice initiates administrative proceedings under Article 3, Chapter 150B of the General Statutes.

63. G.S. 150B-23(f) provides that notice may be sent "to the last known address" provided to the agency.

Based upon the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

Issue One: Did Petitioner receive adequate notice of the revocation of her certificate such as to toll the statute of limitations?

1. The Guilford County School Board does not have the authority to revoke a teachers certificate. It **does**, however, have the authority to recommend revocation to the DPI/SBE. There is, therefore, a shared responsibility and, for the purpose of knowledge or imputed knowledge, the definition of "agency" under G.S. 150B-23(F) becomes unclear.

Although Petitioner did not inform SBE of her current address, the Guilford County School System not only knew Petitioner's address, but corresponded extensively with her at her Iowa address. Additionally, the Personnel Section of DPI knew Petitioner's Iowa address and wrote her there.

While Respondent asserts that teachers must be responsible for notifying them of their current address, there is no law or rule requiring this. Without such rule or statute, one must look to the surrounding circumstances to determine this issue.

In the limited circumstances of this case, where there was extensive communication between a teacher and the local school board, a recommendation for revocation which was based to a large extent on Petitioner's refusal to leave Iowa, communication between Petitioner and DPI, and a dismissal which was also based upon Petitioner's return to Iowa and her "AWOL" status, it is concluded that the "agency" knew, or should have known, of Petitioner's whereabouts and could have accomplished notification.

2. Based upon the above, it is concluded that Petitioner did not receive Notice and the time limitation for filing an appeal had not run at the time of the filing of her petition.

Issue Two: Did the Respondent err in revoking Petitioner's teaching certificate?

3. N.C. Gen. Stat. 115C-299 and the cases which were promulgated thereunder, provide that the employment of teachers is within the authority of the local school board at the recommendation of the Superintendent.

4. N.C. Gen. Stat. 115C-296 provides that the State Board of Education shall have entire control of certifying all applicants for teaching positions in all public, elementary and high schools of North Carolina.

5. Petitioner's behavior throughout this dispute was unacceptable. Petitioner wished to complete her graduate studies. When her supervisors refused her request for extended leave and her request for sick leave, she was obliged to accept their decision or resign. She did neither.

If Petitioner had accepted the decision, the dispute, of course, would have ended. If she resigned her teaching position in North Carolina, the local Board could replace her before school started.

Petitioner's AWOL status, especially after school had started, was reprehensible.

Petitioner's failure to appear at the meetings set by Mr. Morgan and at the Peer Review Committee, is inexcusable.

It is beyond question that Petitioner's behavior was unacceptable and caused harm to the administrators, the school, and the students, who returned to find a substitute teacher in charge of their class.

6. It is therefore concluded that the State Board of Education did not err in revoking the Petitioner's teaching certificate.

Based upon the above Conclusions of Law, the undersigned makes the following:

RECOMMENDATION

That the revocation of Petitioner's teaching certificate by the State Board of Education be **AFFIRMED**.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina State Board of Education.

This the 13th day of March, 1996.

Dolores O. Nesnow
Administrative Law Judge

inspection with Childers as the lead Compliance Safety and Health Officer to determine Petitioner's progress in completing his job training. It was noted that this inspection would take place not later than February 10, 1995, and he was told what was expected of him.

5. On Tuesday, January 31, 1995, Petitioner, accompanied by Childers, conducted an OSHA inspection of Office Specialists of Massachusetts in Cary, North Carolina. Childers concluded that the inspection was unsatisfactorily performed by Petitioner and dismissed Petitioner by letter dated February 21, 1995, due to Petitioner's unsatisfactory job performance on January 31, 1995.

6. Petitioner's deficiencies cited in the dismissal letter were as follows: failing to properly obtain permission to conduct the inspection, not properly documenting hazards to warrant issuing a citation on three items, and not effectively communicating with the employer and employees.

7. Petitioner testified that he was not allowed to go on as many supervised safety inspections as other trainees. Respondent countered that Petitioner received proper training, counseling, and inspection opportunities for three years, which exceeded the norm for new officers.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. Petitioner, Kevin P. Kolbe, Sr., was a career State employee at the time of his dismissal. Because he has alleged that Respondent lacked just cause for his dismissal, the Office of Administrative Hearings has jurisdiction to hear his appeal and issue a recommendation to the State Personnel Commission which shall make the final decision in the matter. G.S. 126-35, 126-37, 126-39, 150B-23, and 150B-36.

2. G.S. 126-35 provides in part, "that no career State employee subject to the State Personnel Act shall be dismissed, except for just cause." Where just cause is an issue, Respondent bears the ultimate burden of persuasion. A just cause issue carries both substantive and procedural questions. Causes for dismissal fall into two categories: (1) causes relating to unsatisfactory job performance, and (2) causes relating to unacceptable personal conduct. No prior warnings are required under (2).

3. In Jones v. Dep't of Human Resources, 300 N.C. 690, 691 (1980), the Supreme Court of North Carolina held:

Prior to dismissal for causes relating to performance of duties, a permanent State employee is entitled to three separate warnings that his performance is unsatisfactory. He must receive: (1) an oral warning explaining how he is not meeting the job's requirements; (2) a second oral warning outlining his unsatisfactory performance with a follow-up letter reviewing the points covered by the oral warning; (3) a final written warning setting forth in numerical order the specific acts or omissions that are the reasons for the disciplinary action.

4. 25 NCAC 1J .0605(a), entitled "Dismissal for Unsatisfactory Performance of Duties" provides:

The intent of this Section is to assist and promote improved employee performance, rather than to punish.

5. Respondent complied with the law requiring three separate warnings to Petitioner that his job performance was unsatisfactory. Such warnings were intended to bring about improvements in Petitioner's performance within a reasonable period of time following each warning.

6. The passage of only two working days from the date of the final written warning until the date Petitioner was dismissed neither provided him with a reasonable opportunity to improve his work performance nor promoted his improved performance as intended by the disciplinary policy contained in the North Carolina Administrative Code. This constitutes a failure to follow proper procedure in terminating a career State employee, thus a lack of just cause.

Based on the foregoing Findings of Fact and Conclusions of Law, the Administrative Law Judge makes the following:

RECOMMENDED DECISION

That the dismissal of Petitioner be reversed and he be reinstated under a final written warning for unacceptable job performance, with at least a minimum period of thirty days to improve his performance to the level expected of a Compliance Safety and Health Officer.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, N.C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the State Personnel Commission.

This the 14th day of March, 1996.

Fred G. Morrison Jr.
Senior Administrative Law Judge

V.

**SCHOOL OF NURSING UNIVERSITY OF NC at
CHAPEL HILL**

Respondent.

**FINAL DECISION
DISMISSING CONTESTED CASE
LACK OF JURISDICTION**

Beecher R. Gray
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE DEPARTMENT LICENSING BOARDS CHAPTER

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
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Note: Title 21 contains the chapters of the various occupational licensing boards.

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ACUPUNCTURE LICENSING BOARD						
21 NCAC 1	.0702 - .0704	10:16 NCR 2027			02/01/96	
	.0706 - .0707	10:16 NCR 2027			02/01/96	
	.0710 - .0711	10:16 NCR 2027			02/01/96	
ADMINISTRATION						
1 NCAC 39	.0101	10:16 NCR 1672			02/01/96	
	.0201	10:16 NCR 1672			02/01/96	
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26 NCAC 02A	.0101 - .0102	10:16 NCR 2160			02/01/96	04/01/96
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	.0301	10:16 NCR 2160			02/01/96	04/01/96
	.0303	10:16 NCR 2160			02/01/96	04/01/96
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4 NCAC 02R	.0303	10:16 NCR 1675			06/01/96	
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.0409 - .0411	10:16 NCR 1675	06/01/96				
.0502	10:16 NCR 1675	06/01/96				
.0601 - .0602	10:16 NCR 1675	06/01/96				
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.0501 - .0502	10:16 NCR 1698	02/01/96				
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.0802	10:16 NCR 1698	02/01/96				
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.0901	10:16 NCR 1698	02/01/96				
.0906 - .0907	10:16 NCR 1698	02/01/96				
.0911	10:16 NCR 1698	02/01/96				
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.1004	10:16 NCR 1698	02/01/96				
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21 NCAC 16H .0104	10:16 NCR 2043	05/01/96				
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.0224 - .0225	10:16 NCR 1838	02/01/96			04/01/96	
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.0304	10:15 NCR 1515	04/01/96		x	04/01/96	
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.0533	10:16 NCR 1867	05/01/96				
.0535	10:16 NCR 1867	05/01/96				
.0537	10:16 NCR 1867	05/01/96				
.0539	10:16 NCR 1867	05/01/96				
.0601	10:16 NCR 1867	05/01/96				
.0604	10:16 NCR 1867	05/01/96				
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.0804 - .0805	10:15 NCR 1520	04/01/96		x		
.0901	10:15 NCR 1520	04/01/96				
.0902	10:16 NCR 1867	05/01/96				
.0917 - .0924	10:15 NCR 1520	04/01/96				
.0926 - .0928	10:15 NCR 1520	04/01/96				
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.1406	10:01 NCR 13	07/01/95	x	x		
.1409	10:01 NCR 13	07/01/95	x	x		
.1701 - .1702	10:01 NCR 13	07/01/95	x	x		
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.1901 - .1906	10:16 NCR 1867	05/01/96		x		
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.0201 - .0204	10:16 NCR 1867	05/01/96				
.0207	10:16 NCR 1867	05/01/96				
.0302	10:16 NCR 1867	05/01/96				
.0311	10:16 NCR 1867	05/01/96				
.0401 - .0418	10:15 NCR 1520	04/01/96			04/01/96	
.0501 - .0503	10:16 NCR 1867	05/01/96				
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03J .0104	10:14 NCR 1336	03/01/96				
.0401	10:14 NCR 1336	03/01/96				
.0403	10:15 NCR 1515	03/01/96				
03M .0510	10:14 NCR 1336	03/01/96				
03R .0011	10:14 NCR 1336	03/01/96				
07H .0106	10:16 NCR 1921	04/01/96				Notice on Subject Matter
.0208	10:15 NCR 1552	03/01/96				
.0305	10:15 NCR 1552	03/01/96				
.0308	10:15 NCR 1921	03/01/96				
.0309 - .0310	10:09 NCR 751	02/01/96			04/01/96	
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.0404	10:16 NCR 1923	07/01/96				
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10D .0002 - .0004	10:16 NCR 1923	07/01/96				
.0003	10:06 NCR 338	09/01/95				
10K .0003	10:13 NCR 1159	02/01/96				
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.1725 - .1727	10:16 NCR 1977	04/01/96				
.2702	10:16 NCR 1977	04/01/96				
.3101 - .3106	10:16 NCR 1977	04/01/96				
19C .0206	10:05 NCR 305	10/01/95	x			
.0601 - .0603	10:16 NCR 1977	04/01/96				
.0605 - .0609	10:16 NCR 1977	04/01/96				
.0611	10:16 NCR 1977	04/01/96				
21F .0801 - .0802	10:13 NCR 1160	01/01/96				
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25 .0213	10:16 NCR 1996	04/01/96				
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10 NCAC 03C .5402	10:14 NCR 1232	03/01/96				
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.2718 - .2719	10:14 NCR 1243	01/01/96				
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.0408 - .0410	10:16 NCR 1708	02/01/96				
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.0509 - .0512	10:16 NCR 1708	02/01/96				
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.0224	10:16 NCR 1716	02/01/96				
.0226 - .0227	10:16 NCR 1716	02/01/96				
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46D	10:16 NCR 1724	02/01/96				
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.0401 - .0410	10:16 NCR 1787	03/01/96				
.0501 - .0511	10:16 NCR 1787	03/01/96				
.0601 - .0602	10:16 NCR 1787	03/01/96				
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21 NCAC 34B .0401	10:13 NCR 1182	01/01/96				
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21 NCAC 36 .0228	10:16 NCR 2068	02/01/96			04/01/96	
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21 NCAC 37A 0101	10:16 NCR 2069	04/01/96			04/01/96	
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.0110	10:16 NCR 2069	04/01/96			04/01/96	
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.0306	10:16 NCR 2069	04/01/96			04/01/96	
.0308	10:16 NCR 2069	04/01/96			04/01/96	
.0506	10:16 NCR 2069	04/01/96			04/01/96	
.0603 - .0604	10:16 NCR 2069	04/01/96			04/01/96	
.0702 - .0707	10:16 NCR 2069	04/01/96			04/01/96	
.0805	10:16 NCR 2069	04/01/96			04/01/96	
.0901	10:16 NCR 2069	04/01/96			04/01/96	
.0905	10:16 NCR 2069	04/01/96			04/01/96	
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.0201	10:16 NCR 2069	04/01/96			04/01/96	
.0203	10:16 NCR 2069	04/01/96			04/01/96	
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37C .0101 - .0103	10:16 NCR 2069	04/01/96			04/01/96	
37D .0101 - .0102	10:16 NCR 2069	04/01/96			04/01/96	
.0201	10:16 NCR 2069	04/01/96			04/01/96	
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.0601 - .0603	10:16 NCR 2069	04/01/96			04/01/96	
.0605	10:16 NCR 2069	04/01/96			04/01/96	
.0701 - .0703	10:16 NCR 2069	04/01/96			04/01/96	
37E .0101 - .0102	10:16 NCR 2069	04/01/96			04/01/96	
37F .0101 - .0102	10:16 NCR 2069	04/01/96			04/01/96	
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.0401	10:16 NCR 2069	04/01/96			04/01/96	
37H .0101	10:16 NCR 2069	04/01/96			04/01/96	
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.1401 - .1404	10:16 NCR 2085	05/01/96
.1406	10:16 NCR 2085	05/01/96
.1408	10:16 NCR 2085	05/01/96
.1410 - .1417	10:16 NCR 2085	05/01/96
.1505	10:16 NCR 2085	05/01/96
.1601 - .1604	10:16 NCR 2085	05/01/96
.1607	10:16 NCR 2085	05/01/96
.1701 - .1705	10:16 NCR 2085	05/01/96
.1810 - .1811	10:16 NCR 2085	05/01/96
.1910	10:16 NCR 2085	05/01/96
.2104	10:16 NCR 2085	05/01/96
.2403	10:16 NCR 2085	05/01/96
.2502	10:16 NCR 2085	05/01/96
.2504	10:16 NCR 2085	05/01/96
.2506	10:16 NCR 2085	05/01/96
.2602	10:16 NCR 2085	05/01/96
.2609	10:16 NCR 2085	05/01/96
.2611	10:16 NCR 2085	05/01/96

PROFESSIONAL COUNSELORS

21 NCAC 53 .0310	10:01 NCR 40	07/01/95
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PSYCHOLOGY BOARD

21 NCAC 54 .1604 - .1605	10:16 NCR 2111	03/01/96
.1608	10:16 NCR 2111	03/01/96
.1610	10:16 NCR 2111	03/01/96
.1703 - .1705	10:16 NCR 2111	03/01/96
.1801 - .1803	10:16 NCR 2111	03/01/96
.1901	10:16 NCR 2111	03/01/96
.1904	10:16 NCR 2111	03/01/96
.2001 - .2005	10:16 NCR 2111	03/01/96

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.2007 - .2009	10:16 NCR 2111	03/01/96				
.2101	10:16 NCR 2111	03/01/96				
.2103	10:16 NCR 2111	03/01/96				
.2201 - .2204	10:16 NCR 2111	03/01/96				
PUBLIC EDUCATION						
16 NCAC 06A .0001 - .0002	10:16 NCR 1997	04/01/96				
06B .0001 - .0002	10:16 NCR 1997	04/01/96				
.0004 - .0006	10:16 NCR 1997	04/01/96				
06C .0101	10:15 NCR 1565	04/01/96				
.0313	10:15 NCR 1565	04/01/96				
06D .0102	10:16 NCR 1997	04/01/96				
.0104	10:16 NCR 1997	04/01/96				
.0106	10:07 NCR 584	11/01/95				
.0301 - .0302	10:16 NCR 1997	04/01/96				
06E .0101 - .0102	10:16 NCR 1997	04/01/96				
.0104	10:16 NCR 1997	04/01/96				
.0202	10:16 NCR 1997	04/01/96				
06G .0301 - .0303	10:16 NCR 1997	04/01/96				
06H .0001	10:16 NCR 1997	04/01/96				
.0006 - .0008	10:16 NCR 1997	04/01/96				
REAL ESTATE COMMISSION						
21 NCAC 58A .0104	10:16 NCR 2124	03/01/96				
.0107	10:16 NCR 2124	03/01/96				
.0113	10:16 NCR 2124	03/01/96				
.0302	10:16 NCR 2124	03/01/96				
.0401 - .0402	10:16 NCR 2124	03/01/96				
.0502	10:16 NCR 2124	01/01/97				
.0503 - .0506	10:16 NCR 2124	03/01/96				
.0510	10:16 NCR 2124	03/01/96				
.0610	10:16 NCR 2124	03/01/96				
.1702	10:16 NCR 2124	03/01/96				
58C .0104	10:16 NCR 2124	03/01/96				
.0305 - .0307	10:16 NCR 2124	03/01/96				
.0311 - .0312	10:16 NCR 2124	03/01/96				
58E .0203 - .0204	10:16 NCR 2124	03/01/96				
.0302	10:16 NCR 2124	03/01/96				
.0304	10:16 NCR 2124	03/01/96				
.0310	10:16 NCR 2124	03/01/96				
.0406 - .0407	10:16 NCR 2124	03/01/96				
.0411	10:16 NCR 2124	03/01/96				
.0503	10:16 NCR 2124	03/01/96				
.0511	10:16 NCR 2124	03/01/96				
REVENUE						
17 NCAC 09K .0201	10:16 NCR 2006	01/01/96				
SECRETARY OF STATE						
18 NCAC 06 .1205 - .1206	10:05 NCR 306	09/01/95				
.1208	10:05 NCR 306	09/01/95				
.1302 - .1305	10:05 NCR 306	09/01/95				
.1313	10:05 NCR 306	09/01/95				
09 .0101 - .0108	10:16 NCR 2015					Notice on Subject Matter
.0101 - .0116	10:19 NCR 2480	04/01/96				Temporary Adoption Eff. 1/1/96
					04/01/96	Filed Temporary .0101-.0108 10-19
SOCIAL WORK, BOARD OF						
21 NCAC 63 .0306	10:13 NCR 1185	01/01/96				
STATE PERSONNEL						
25 NCAC 01C .0207	10:04 NCR 264	08/01/95				
.0402 - .0408	10:04 NCR 264	08/01/95				

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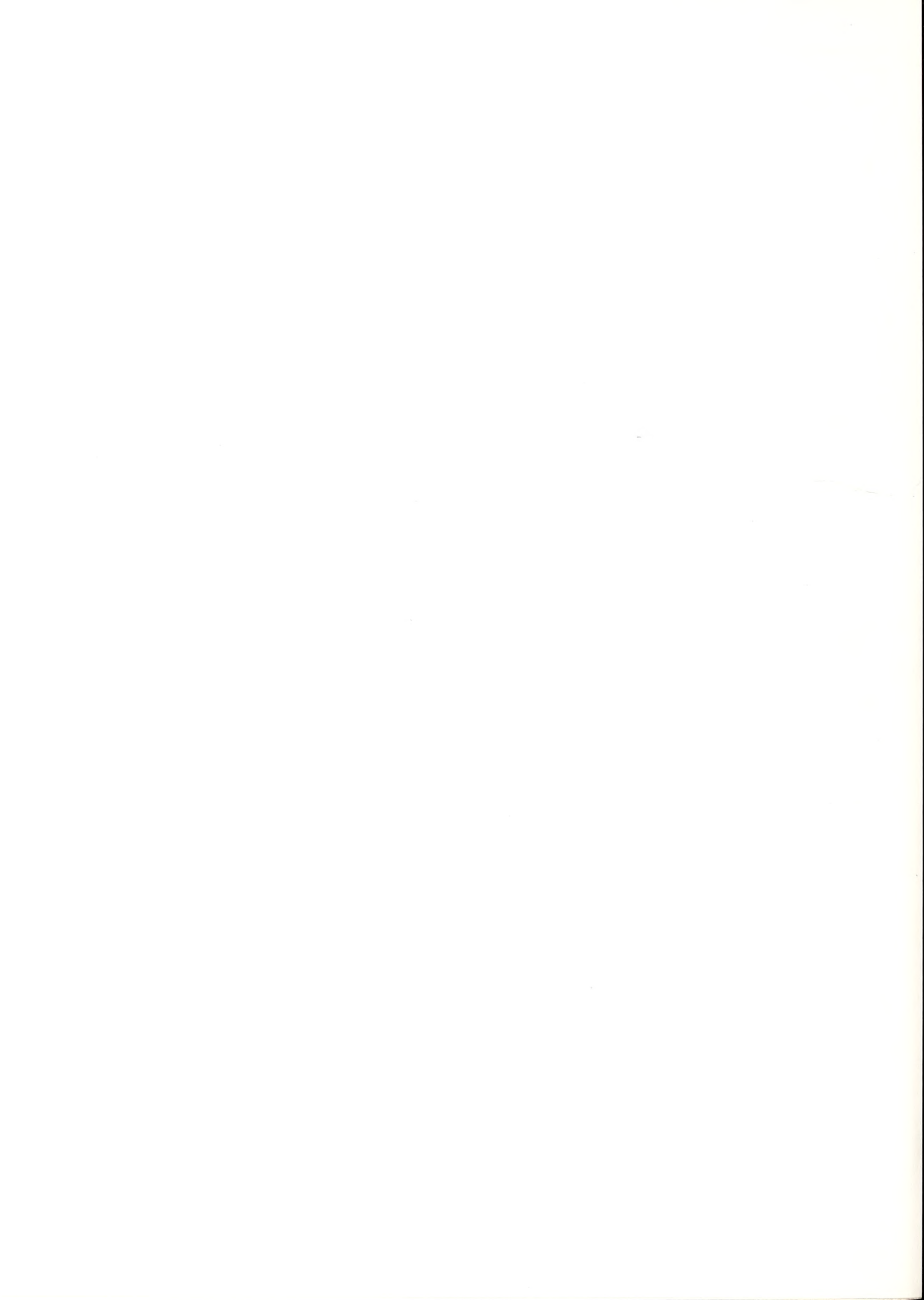
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.0205	10:04 NCR 264	08/01/95				
.0207	10:04 NCR 264	08/01/95				
.0211	10:04 NCR 264	08/01/95				
.0808	10:04 NCR 264	08/01/95				
.1001	10:04 NCR 264	08/01/95				
.1009	10:04 NCR 264	08/01/95				
.1201	10:04 NCR 264	08/01/95				
.1204	10:04 NCR 264	08/01/95				
.1401	10:04 NCR 264	08/01/95				
.1801 - .1802	10:04 NCR 264	08/01/95				
01E .0804	10:04 NCR 264	08/01/95				
01K .0312	10:04 NCR 264	08/01/95				

THERAPEUTIC RECREATION CERTIFICATION BOARD

21 NCAC 65 .0004	10:16 NCR 2140	02/01/96
.0006 - .0007	10:16 NCR 2140	02/01/96

VETERINARY MEDICAL BOARD

21 NCAC 66 .0101	10:16 NCR 2143	04/01/96
.0105 - .0106	10:16 NCR 2143	04/01/96
.0108	10:16 NCR 2143	04/01/96
.0201 - .0203	10:16 NCR 2143	04/01/96
.0205 - .0210	10:16 NCR 2143	04/01/96
.0301	10:16 NCR 2143	04/01/96
.0303 - .0308	10:16 NCR 2143	04/01/96
.0310 - .0311	10:16 NCR 2143	04/01/96
.0601	10:16 NCR 2143	04/01/96
.0606	10:16 NCR 2143	04/01/96
.0703	10:16 NCR 2143	04/01/96



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ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0301 10:22 NCR 2860
 21 NCAC 01 .0705 10:17 NCR 2228 10:22 NCR 2834
 21 NCAC 01 .0709 10:17 NCR 2228 10:22 NCR 2834

AGRICULTURE

2 NCAC 09C .0700 10:24 NCR 3056
 2 NCAC 48A .0200 10:24 NCR 3056
 2 NCAC 48A .1100 10:24 NCR 3056
 2 NCAC 48B 10:24 NCR 3056
 2 NCAC 52B .0200 10:24 NCR 3056

COMMERCE

4 NCAC 06C .0205 10:18 NCR 2398
 4 NCAC 06C .0407 10:18 NCR 2398
 4 NCAC 06C .0409 10:18 NCR 2398
 4 NCAC 13 10:24 NCR 3056

COMMUNITY COLLEGES

23 NCAC 02D .0325 10:24 NCR 3058
 23 NCAC 02E .0203 10:24 NCR 3058
 23 NCAC 03A .0113 10:24 NCR 3058

CULTURAL RESOURCES

7 NCAC 05 .0200 10:18 NCR 2398

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ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

11:01 NCR 2

15A Public Notice

15A NCAC 01K 10:19 NCR 2506

15A NCAC 02 10:24 NCR 3045

15A NCAC 02B .0224 10:18 NCR 2400

15A NCAC 02B .0227 10:18 NCR 2400

15A NCAC 02B .0303 10:18 NCR 2400

15A NCAC 02L .0106 10:19 NCR 2508

15A NCAC 02L .0202 10:20 NCR 2591

15A NCAC 02P .0402 10:19 NCR 2512

15A NCAC 03I .0019 10:21 NCR 2737

15A NCAC 03J .0401 10:21 NCR 2688

15A NCAC 03U .0102 10:20 NCR 2593

15A NCAC 03U .0704 10:19 NCR 2506

15A NCAC 03U .0710 10:22 NCR 2829

15A NCAC 03U .2701 10:20 NCR 2593

15A NCAC 03U .2702 10:20 NCR 2593

15A NCAC 03U .2703 10:20 NCR 2593

15A NCAC 03U .2704 10:20 NCR 2593

15A NCAC 10F .0100 10:19 NCR 2506

15A NCAC 10F .0300 11:01 NCR 13

15A NCAC 10F .0102 11:01 NCR 14

15A NCAC 10F .0103 11:01 NCR 14

15A NCAC 10F .0104 11:01 NCR 14

15A NCAC 10F .0105 11:01 NCR 14

15A NCAC 10F .0106 11:01 NCR 14

15A NCAC 10F .0107 11:01 NCR 14

15A NCAC 10F .0109 11:01 NCR 14

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15A NCAC 10F .0305			11:01 NCR 14							
15A NCAC 10F .0310			11:01 NCR 14							
15A NCAC 10F .0342			11:01 NCR 14							
15A NCAC 10F .0348			11:01 NCR 14							
15A NCAC 10G	11:01 NCR 13									
15A NCAC 18A .2601		11:01 NCR 24								

FINAL DECISION LETTERS

Voting Rights Act

11:01 NCR 1

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 10:22 NCR 2829

HUMAN RESOURCES

10 NCAC 03	10:18 NCR 2399	
10 NCAC 03R .3000	10:23 NCR 2956	
10 NCAC 03R .3001	10:21 NCR 2699	
10 NCAC 03R .3010	10:21 NCR 2699	
10 NCAC 03R .3020	10:21 NCR 2699	
10 NCAC 03R .3030	10:21 NCR 2699	
10 NCAC 03R .3032	10:21 NCR 2699	
10 NCAC 03R .3040	10:21 NCR 2699	
10 NCAC 03R .3050	10:21 NCR 2699	
10 NCAC 22	10:23 NCR 2956	
10 NCAC 26B .0105	10:18 NCR 2398	10:22 NCR 2831
10 NCAC 26H .0506	10:21 NCR 2686	
10 NCAC 41F	10:23 NCR 2956	
10 NCAC 41F .0706	10:21 NCR 2726	

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					Action	Date				
10 NCAC 41F .0707		10:21 NCR 2726								
10 NCAC 41F .0812		10:21 NCR 2726								
10 NCAC 41F .0813		10:21 NCR 2726								
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102			10:21 NCR 2687							
10 NCAC 42A .0701		10:21 NCR 2728								
10 NCAC 42A .0702		10:21 NCR 2728								
10 NCAC 42A .0703		10:21 NCR 2728								
10 NCAC 42B .1209		10:21 NCR 2729								
10 NCAC 42B .1210		10:21 NCR 2729								
10 NCAC 42B .1211		10:21 NCR 2729								
10 NCAC 42B .2402		10:21 NCR 2729								
10 NCAC 42B .2403		10:21 NCR 2729								
10 NCAC 42B .2404		10:21 NCR 2729								
10 NCAC 42B .2405		10:21 NCR 2729								
10 NCAC 42C .2010		10:21 NCR 2729								
10 NCAC 42C .2011		10:21 NCR 2729								
10 NCAC 42C .2012		10:21 NCR 2729								
10 NCAC 42C .3701		10:21 NCR 2729								
10 NCAC 42C .3702		10:21 NCR 2729								
10 NCAC 42C .3703		10:21 NCR 2729								
10 NCAC 42C .3704		10:21 NCR 2729								
10 NCAC 42D .1409		10:21 NCR 2729								
10 NCAC 42D .1410		10:21 NCR 2729								
10 NCAC 42D .1411		10:21 NCR 2729								
10 NCAC 42D .1827		10:21 NCR 2729								
10 NCAC 42D .1828		10:21 NCR 2729								
10 NCAC 42D .1829		10:21 NCR 2729								

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10 NCAC 42D .1830		10:21 NCR 2729								
10 NCAC 42V .0201		10:20 NCR 2597								
10 NCAC 42V .0802		10:20 NCR 2597								
10 NCAC 42V .0803		10:20 NCR 2597								
10 NCAC 50D .0101	10:24 NCR 3057									
10 NCAC 50D .0102	10:24 NCR 3057									
10 NCAC 50D .0103	10:24 NCR 3057									
10 NCAC 50D .0201	10:24 NCR 3057									
10 NCAC 50D .0301	10:24 NCR 3057									
10 NCAC 50D .0302	10:24 NCR 3057									
10 NCAC 50D .0401	10:24 NCR 3057									
10 NCAC 50D .0402	10:24 NCR 3057									
10 NCAC 50D .0501	10:24 NCR 3057									
10 NCAC 50D .0502	10:24 NCR 3057									
10 NCAC 50D .0503	10:24 NCR 3057									

INSURANCE

11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831							
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832							

JUSTICE

12 NCAC 11 .0202	10:24 NCR 3057									
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MEDICAL EXAMINERS

21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101			10:22 NCR 2835							
21 NCAC 32H .0102			10:22 NCR 2835							
21 NCAC 32H .0201			10:22 NCR 2835							

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21 NCAC 32H .0203			10:22 NCR 2835							
21 NCAC 32H .0301			10:22 NCR 2835							
21 NCAC 32H .0302			10:22 NCR 2835							
21 NCAC 32H .0303			10:22 NCR 2835							
21 NCAC 32H .0401			10:22 NCR 2835							
21 NCAC 32H .0402			10:22 NCR 2835							
21 NCAC 32H .0403			10:22 NCR 2835							
21 NCAC 32H .0404			10:22 NCR 2835							
21 NCAC 32H .0406			10:22 NCR 2835							
21 NCAC 32H .0407			10:22 NCR 2835							
21 NCAC 32H .0408			10:22 NCR 2835							
21 NCAC 32H .0409			10:22 NCR 2835							
21 NCAC 32H .0501			10:22 NCR 2835							
21 NCAC 32H .0502			10:22 NCR 2835							
21 NCAC 32H .0504			10:22 NCR 2835							
21 NCAC 32H .0505			10:22 NCR 2835							
21 NCAC 32H .0506			10:22 NCR 2835							
21 NCAC 32H .0507			10:22 NCR 2835							
21 NCAC 32H .0601			10:22 NCR 2835							
21 NCAC 32H .0602			10:22 NCR 2835							
21 NCAC 32H .0701			10:22 NCR 2835							
21 NCAC 32H .0702			10:22 NCR 2835							
21 NCAC 32H .0801			10:22 NCR 2835							
21 NCAC 32H .0901			10:22 NCR 2835							
21 NCAC 32H .0902			10:22 NCR 2835							

PUBLIC EDUCATION

16 NCAC 07 10:23 NCR 2957

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REAL ESTATE COMMISSION

21 NCAC 58A .0101	10:22 NCR 2829									
21 NCAC 58A .0105	10:22 NCR 2829									
21 NCAC 58A .0109	10:22 NCR 2829									
21 NCAC 58A .0110	10:22 NCR 2829									
21 NCAC 58A .0302	10:22 NCR 2829									
21 NCAC 58A .0503	10:22 NCR 2829									
21 NCAC 58A .0504	10:22 NCR 2829									
21 NCAC 58A .1501	10:22 NCR 2829									
21 NCAC 58A .1502	10:22 NCR 2829									
21 NCAC 58A .1601	10:22 NCR 2835									

REVENUE

17 NCAC 01C .0504	10:20 NCR 2599									
17 NCAC 01C .0506	10:20 NCR 2599									
17 NCAC 05C .2101			10:24 NCR 3059							
17 NCAC 06B .0612			10:22 NCR 2833							
17 NCAC 06B .3716			10:22 NCR 2833							
17 NCAC 07B .1101			10:21 NCR 2688							
17 NCAC 07B .1105			10:21 NCR 2688							
17 NCAC 07B .1108			10:21 NCR 2688							
17 NCAC 07B .1109			10:21 NCR 2688							
17 NCAC 07B .1110			10:21 NCR 2688							
17 NCAC 07B .1112			10:21 NCR 2688							
17 NCAC 07B .1114			10:21 NCR 2688							
17 NCAC 07B .1123			10:21 NCR 2688							
17 NCAC 07B .1602			10:21 NCR 2688							
17 NCAC 07B .1701			10:21 NCR 2688							

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17 NCAC 07B .1702			10:21 NCR 2688							
17 NCAC 07B .1802			10:21 NCR 2688							
17 NCAC 07B 2401			10:21 NCR 2688							
17 NCAC 07B .2601			10:21 NCR 2688							
17 NCAC 07B .4002			10:21 NCR 2688							
17 NCAC 07B .4004			10:21 NCR 2688							
17 NCAC 07B .4008			10:21 NCR 2688							
17 NCAC 07B .4301			10:21 NCR 2688							
17 NCAC 07B .4408			10:21 NCR 2688							
17 NCAC 07B .4902			10:21 NCR 2688							

SOCIAL WORK, BOARD OF

21 NCAC 63 .0306	10:21 NCR 2739
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SOIL SCIENTISTS, BOARD FOR LICENSING

21 NCAC 69	10:19 NCR 2507
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STATE PERSONNEL

25 NCAC 01J .0613	10:23 NCR 2960									
25 NCAC 01J .0613		Approve	03/21/96							11:01 NCR 26

SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101			10:22 NCR 2850							
21 NCAC 68 .0102			10:22 NCR 2850							
21 NCAC 68 .0201			10:22 NCR 2850							
21 NCAC 68 .0202			10:22 NCR 2850							

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21 NCAC 68.0203			10:22 NCR 2850							
21 NCAC 68.0204			10:22 NCR 2850							
21 NCAC 68.0205			10:22 NCR 2850							
21 NCAC 68.0206			10:22 NCR 2850							
21 NCAC 68.0207			10:22 NCR 2850							
21 NCAC 68.0208			10:22 NCR 2850							
21 NCAC 68.0209			10:22 NCR 2850							
21 NCAC 68.0210			10:22 NCR 2850							
21 NCAC 68.0211			10:22 NCR 2850							
21 NCAC 68.0212			10:22 NCR 2850							
21 NCAC 68.0213			10:22 NCR 2850							
21 NCAC 68.0401			10:22 NCR 2850							
21 NCAC 68.0402			10:22 NCR 2850							
21 NCAC 68.0403			10:22 NCR 2850							
21 NCAC 68.0404			10:22 NCR 2850							
21 NCAC 68.0405			10:22 NCR 2850							
21 NCAC 68.0406			10:22 NCR 2850							
21 NCAC 68.0407			10:22 NCR 2850							
21 NCAC 68.0701			10:22 NCR 2850							
21 NCAC 68.0702			10:22 NCR 2850							
21 NCAC 68.0703			10:22 NCR 2850							
21 NCAC 68.0704			10:22 NCR 2850							
21 NCAC 68.0705			10:22 NCR 2850							
21 NCAC 68.0706			10:22 NCR 2850							
21 NCAC 68.0707			10:22 NCR 2850							
21 NCAC 68.0708			10:22 NCR 2850							
21 NCAC 68.0709			10:22 NCR 2850							

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TRANSPORTATION

19A NCAC 02D .1101 10:23 NCR 2957
 19A NCAC 02D .1102 10:23 NCR 2957
 19A NCAC 02D .1103 10:23 NCR 2957
 19A NCAC 02D .1104 10:23 NCR 2957
 19A NCAC 02D .1105 10:23 NCR 2957
 19A NCAC 02D .1106 10:23 NCR 2957
 19A NCAC 02D .1107 10:23 NCR 2957
 19A NCAC 02D .1108 10:23 NCR 2957
 19A NCAC 02D .1109 10:23 NCR 2957
 19A NCAC 02D .1110 10:23 NCR 2957
 19A NCAC 02D .1111 10:23 NCR 2957
 19A NCAC 02D .1112 10:23 NCR 2957
 19A NCAC 03E .0500 11:01 NCR 13
 19A NCAC 06B .0401 10:23 NCR 2957
 19A NCAC 06B .0402 10:23 NCR 2957
 19A NCAC 06B .0403 10:23 NCR 2957
 19A NCAC 06B .0404 10:23 NCR 2957
 19A NCAC 06B .0405 10:23 NCR 2957
 19A NCAC 06B .0406 10:23 NCR 2957
 19A NCAC 06B .0407 10:23 NCR 2957
 19A NCAC 06B .0408 10:23 NCR 2957
 19A NCAC 06B .0409 10:23 NCR 2957
 19A NCAC 06B .0410 10:23 NCR 2957
 19A NCAC 06B .0411 10:23 NCR 2957
 19A NCAC 06B .0412 10:23 NCR 2957
 19A NCAC 06B .0413 10:23 NCR 2957
 19A NCAC 06B .0414 10:23 NCR 2957

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19A NCAC 06B .0415 10:23 NCR 2957
19A NCAC 06B .0416 10:23 NCR 2957
19A NCAC 06B .0417 10:23 NCR 2957

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1995

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Full Title	201 00 00	\$63.00	\$90.00
Division of Purchase & Contract	201 10 05	\$21.00	\$30.00
Federal Block Grant Funds	201 10 33	\$17.50	\$25.00
Title 2 - Dept. of Agriculture - Full Title	202 00 00	\$98.00	\$140.00
Food & Drug Protection Division	202 15 09	\$28.00	\$40.00
Structural Pest Control Committee	202 15 34	\$21.00	\$30.00
Agricultural Markets	202 15 43	\$21.00	\$30.00
Plant Industry	202 15 48	\$21.00	\$30.00
Animal Industry	202 15 52	\$21.00	\$30.00
Title 3 - Dept. of State Auditor - Full Title	203 00 00	\$7.00	\$10.00
Title 4 - Dept. of Commerce - Full Title	204 00 00	\$87.50	\$125.00
Alcoholic Beverage Control Commission	204 15 02	\$12.00	\$40.00
Banking Commission	204 15 03	\$24.50	\$35.00
Credit Union Division	204 15 06	\$14.00	\$20.00
Savings & Loan Division	204 15 09	\$14.00	\$20.00
Industrial Commission/Workers Compensation	204 15 10	\$14.00	\$20.00
Savings Institutions Division	204 15 16	\$24.50	\$35.00
Title 5 - Dept. of Corrections - Full Title	205 00 00	\$56.00	\$80.00
Division of Prisons	205 15 02	\$24.50	\$35.00
Title 6 - Council of State - Full Title	206 00 00	\$21.00	\$30.00
Title 7 - Dept. of Cultural Resources - Full Title	207 00 00	\$21.00	\$30.00
Title 8 - State Board of Elections - Full Title	208 00 00	\$7.00	\$10.00
Title 9 - Offices of the Governor & Lt. Governor - Full Title	209 00 00	\$31.50	\$45.00
Title 10 - Dept. of Human Resources - Full Title	210 00 00	\$346.50	\$495.00
Licensing of Health Facilities	210 20 10	\$45.50	\$65.00
Detention Facilities	210 20 20	\$31.50	\$45.00
Mental Health & Rehabilitation Services	210 20 30	\$77.00	\$110.00
Social Services	210 20 40	\$119.00	\$170.00
Children Services/Day Care	210 20 41	\$31.50	\$45.00
Services for the Aging	210 20 42	\$31.50	\$45.00
Services for the Blind	210 20 43	\$28.00	\$40.00
Services for the Deaf & Hard of Hearing	210 20 44	\$17.50	\$25.00
Employment Opportunities	210 20 45	\$35.00	\$50.00
Title 11 - Dept. of Insurance - Full Title	211 00 00	\$63.00	\$90.00
Insurance	211 10 01	\$56.00	\$80.00
Consumer Services	211 10 04	\$24.50	\$35.00
Fire & Rescue Services	211 10 05	\$17.50	\$25.00
Agent Services	211 10 06	\$28.00	\$40.00
Engineering & Building Codes	211 10 08	\$21.00	\$30.00
Title 12 - Dept. of Justice - Full Title	212 00 00	\$63.00	\$90.00
Private Protective Services	212 10 07	\$21.00	\$30.00
Police & Sheriff's Education & Training Standards	212 10 09	\$31.50	\$45.00
NC Alarm Systems Licensing Board	212 10 11	\$17.50	\$25.00
Title 13 - Dept. of Labor - Full Title	213 00 00	\$77.00	\$110.00
Mine & Quarry Safety	213 15 06	\$14.00	\$20.00
General Safety/OSHA	213 20 00	\$31.50	\$45.00
Wage & Hour Rules	213 15 12	\$14.00	\$20.00
Boiler & Pressure Vessel Safety	213 15 13	\$14.00	\$20.00
Apprenticeship & Training	213 15 14	\$14.00	\$20.00
Elevator & Amusement Device Safety	213 15 15	\$14.00	\$20.00
Title 14A - Dept. of Crime Control & Public Safety - Full Title	214 00 00	\$31.50	\$45.00
Alcohol Law Enforcement	214 00 08	\$17.50	\$25.00
Victims Compensation Fund	214 00 11	\$14.00	\$20.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Full Title	215 00 00	\$276.50	\$395.00
Environmental Management	215 15 00	\$115.50	\$165.00
Air Quality	215 15 10	\$49.00	\$70.00
Water Quality	215 15 20	\$49.00	\$70.00
Land & Waste Management	215 15 30	\$56.00	\$80.00
Solid Waste Management	215 15 31	\$35.00	\$50.00
Underground Storage Tanks	215 15 32	\$17.50	\$25.00

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Coastal Management	215 15 40	\$31.50	\$45.00
Environmental Health	215 25 00	\$105.00	\$150.00
Radiation/Nuclear Waste	215 25 10	\$42.00	\$60.00
Sanitation	215 25 20	\$35.00	\$50.00
Public Health	215 25 30	\$59.50	\$85.00
Intoxilizer & Breathalyzer	215 25 31	\$17.50	\$25.00
Title 16 - Dept. of Public Instruction - Full Title	216 00 00	\$21.00	\$30.00
Elementary & Secondary Education	216 10 06	\$21.00	\$30.00
Title 17 - Dept. of Revenue - Full Title	217 00 00	\$91.00	\$130.00
Taxes on Individuals	217 15 10	\$31.50	\$45.00
Taxes on Business	217 15 20	\$56.00	\$80.00
Sales & Use Tax Division	217 15 27	\$31.50	\$45.00
Motor Fuels Tax Division	217 15 29	\$21.00	\$30.00
Title 18 - Secretary of State - Full Title	218 00 00	\$21.00	\$30.00
Securities Division	218 10 06	\$21.00	\$30.00
Title 19A - Dept. of Transportation - Full Title	219 00 00	\$53.00	\$90.00
Division of Highways	219 10 02	\$28.00	\$40.00
Division of Motor Vehicles	219 10 03	\$35.00	\$50.00
Title 20 - Dept. of the State Treasurer - Full Title	220 00 00	\$31.50	\$45.00
Title 21 - Occupational Licensing Boards - Full Title	221 00 00	\$143.50	\$205.00
Title 22 - Administrative Procedures Act - Repealed	222 00 00	\$0.00	\$0.00
Title 23 - Dept. of Community Colleges - Full Title	223 00 00	\$7.00	\$10.00
Title 24 - Independent Agencies - Full Title	224 00 00	\$7.00	\$10.00
Title 25 - Office of State Personnel - Full Title	225 00 00	\$42.00	\$60.00
Title 26 - Office of Administrative Hearings - Full Title	226 00 00	\$7.00	\$10.00
Title 27 - North Carolina State Bar - Full Title	227 00 00	\$42.00	\$60.00
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CD-ROM North Carolina Administrative Code (When purchased with the Full Code in Print)	266 50 00	- -	\$250.00
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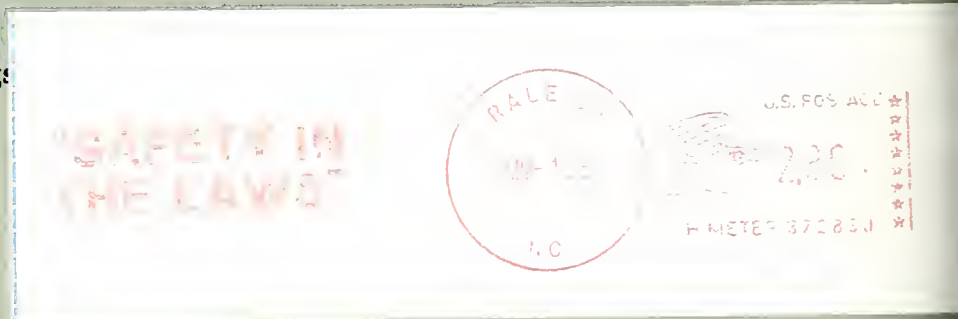
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